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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 3 October 2024

Time: 4.00 pm

Venue Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership

Councillor Barry Wood (Chairman)

Councillor Rebecca Biegel
Councillor John Broad
Councillor Becky Clarke MBE
Councillor Grace Conway-Murray
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Rob Parkinson
Councillor Les Sibley

Councillor Amanda Watkins (Vice-Chairman)

Councillor Chris Brant
Councillor Phil Chapman
Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor David Hingley
Councillor Lesley McLean
Councillor David Rogers
Councillor Dr Kerrie Thornhill

Substitutes

Councillor Nick Cotter
Councillor Harry Knight
Councillor Dr Chukwudi Okeke
Councillor Rob Pattenden
Councillor Dorothy Walker
Councillor Douglas Webb

Councillor Andrew Crichton
Councillor Andrew McHugh
Councillor Lynne Parsons
Councillor Edward Fraser Reeves
Councillor Linda Ward
Councillor John Willett

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. Requests to Address the Meeting

The Chairman to report on any requests to address the meeting.

Please note that the deadline for requests to address the meeting is noon on the working day before the meeting. Addresses can be made virtually or in person.

4. **Minutes** (Pages 5 - 48)

To confirm as a correct record the Minutes of the meeting of the Committee held on 5 September 2024.

5. **Chairman's Announcements**

To receive communications from the Chairman.

6. **Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

7. **Proposed Pre-Committee Site Visits (if any)**

The Committee to consider requests for and proposed pre-committee site visits.

Any requests or recommendations for site visits will be published with the written update.

Planning Applications

8. **Former Piggery And Land North Of Woodstock Road Yarnton** (Pages 51 - 114)
23/03307/OUT

9. **OS Parcel 0069 West Of Quarry Close Quarry Close Bloxham** (Pages 115 - 158)
24/01908/OUT

10. **The Pheasant Pluckers Inn Burdrop Oxfordshire OX15 5RQ** (Pages 159 - 170)
24/00613/F

11. **Bicester East Community Centre, Keble Road, Bicester, OX26 4TP** (Pages 171 - 177)
24/01933/DISC

Review and Monitoring Reports

12. **Appeals Progress Report** (Pages 178 - 193)

Report of Assistant Director Planning and Development

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Recommendations

The meeting is recommended:

- 1.1 To note the position on planning appeals as set out in the report.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

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Queries Regarding this Agenda

Please contact Matt Swinford / Martyn Surfleet, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 25 September 2024

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 5 September 2024 at 4.00 pm

Present:

Councillor Barry Wood (Chairman)
Councillor Amanda Watkins (Vice-Chairman)
Councillor Rebecca Biegel
Councillor Chris Brant
Councillor John Broad
Councillor Phil Chapman
Councillor Becky Clarke MBE
Councillor Jean Conway
Councillor Grace Conway-Murray
Councillor Dr Isabel Creed
Councillor Ian Harwood
Councillor David Hingley
Councillor Lesley McLean
Councillor Rob Parkinson
Councillor David Rogers
Councillor Les Sibley
Councillor Dr Kerrie Thornhill

Apologies for absence:

Councillor Fiona Mawson

Also Present:

Councillor Douglas Webb (Speaking as Ward Member on application 23/00831/F)

Also Present Virtually:

Councillor Ian Middleton (Speaking as Ward Member on application 23/02098/OUT)
Councillor Fiona Mawson (Speaking as Ward Member on application 23/02098/OUT)

Officers:

Paul Seckington, Head of Development Management
Caroline Ford, Team Leader - South Area Major Developments

Andrew Thompson, Principal Planning Officer
Katherine Daniels, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor
Matt Swinford, Democratic and Elections Officer
Martyn Surfleet, Democratic and Elections Officer

50 **Declarations of Interest**

8. Begbroke Science Park Begbroke Hill Begbroke OX5 1PF.

Councillor Dr Isabel Creed, Other Registerable Interest, as employed by an Oxford University College but had no part in the application.

Councillor Lesley McLean, Other Registerable Interest, as Chair of Kidlington Parish Council which had been consulted on the application.

10. Turpins Lodge Tadmarton Heath Road Hook Norton Oxfordshire OX15 5DQ.

Councillor Amanda Watkins, Declaration, as the applicant was a friend and would leave the meeting for the duration of the item.

51 **Requests to Address the Meeting**

The Chairman advised that requests to address the meeting would be dealt with at each item.

52 **Minutes**

The Minutes of the meeting held on 1 August 2024 were agreed as a correct record and signed by the Chairman.

53 **Chairman's Announcements**

The Chairman made the following announcements:

1. Advised members of the public attending the meeting that only registered speakers may address the Committee and requested that they did not cause a disturbance.
2. Advised Members of the Committee of an email from Bicester Motion to all Committee Members inviting the Committee Members to visit the site to show Members the site in anticipation of development of the site.

54 **Urgent Business**

There were no items of urgent business.

55 **Proposed Pre-Committee Site Visits (if any)**

There were no proposed Pre-Committee site visits.

56 **Begbroke Science Park Begbroke Hill Begbroke OX5 1PF**

The Committee considered application 23/02098/OUT, an outline application with all matters reserved, for a multi-phased (severable), comprehensive residential-led mixed use development comprising: Up to 215,000 square metres gross external area of residential floorspace (or c.1,800 homes which depending on the housing mix could result in a higher or lower number of housing units) within Use Class C3/C4 and large houses of multiple occupation (Sui Generis); Supporting social infrastructure including secondary school/primary school(s) (Use Class F1); health, indoor sport and recreation, emergency and nursery facilities (Class E(d)-(f)). Supporting retail, leisure and community uses, including retail (Class E(a)), cafes and restaurants (Class E(b)), commercial and professional services (Class E(c)), a hotel (Use Class C1), local community uses (Class F2), and other local centre uses within a Sui Generis use including public houses, bars and drinking establishments (including with expanded food provision), hot food takeaways, venues for live music performance, theatre, and cinema. Up to 155,000 net additional square metres (gross external area) of flexible employment uses including research and development, office and workspace and associated uses (Use E(g)), industrial (Use Class B2) and storage (Use Class B8) in connection with the expansion of Begbroke Science Park; Highway works, including new vehicular, cyclist and pedestrian roads and paths, improvements to the existing Sandy Lane and Begbroke Hill road, a bridge over the Oxford Canal, safeguarded land for a rail halt, and car and cycle parking with associated electric vehicle charging infrastructure; Landscape and public realm, including areas for sustainable urban drainage systems, allotments, biodiversity areas, outdoor play and sports facilities (Use Class F2(c)); Utility, energy, water, and waste water facilities and infrastructure; together with enabling, site clearance, demolition and associated works, including temporary meanwhile uses at Begbroke Science Park, Begbroke Hill, Begbroke, OX5 1PF for Oxford University Development (OUD).. The Proposed Development affected the setting of a listed building and included potential alterations to public rights of way. The application was accompanied by an Environmental Statement.

Councillor Ian Middleton and Councillor Fiona Mawson addressed the Committee as Local Ward Members.

Steve Smith, on behalf of Yarnton Flood Defence, addressed the Committee in objection to the application.

Tom Clarke and Anna Strongman, on behalf of the applicant, Oxford University Development, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the addresses of the public speakers and the written updates.

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission for application 23/02098/OUT, subject to:

1. Resolution to the objection of Network Rail to the satisfaction of the Assistant Director for Planning and Development
2. Resolution to the objection of the Environment Agency to the satisfaction of the Assistant Director for Planning and Development
3. The Conditions set out as below (and any amendments to those conditions as deemed necessary)
4. The completion of a planning obligation under Section 106 of the town and country planning act 1990, as substituted by the Planning and compensation act 1991, necessary mitigation as set out in the annex to the Minutes, as set out in the Minute book (and any amendments deemed necessary):
 - a) Provision of 50% affordable housing on site based on the conclusions of the viability exercise and the offer of the applicant to 80% Intermediate: 20% Social Rent. With viability review mechanism to amend tenure mix at appropriate stages through the development
 - b) Payment of financial contributions towards on/off site community, sports and recreation including the delivery of on-site sport at the future Secondary School for the wider benefit of the community.
 - c) Payment of contributions towards transport and public transport enhancements and feasibility work towards a new station and sustainable transport (e.g. travel plan monitoring)
 - d) Payment of contributions and land towards Secondary School, SEND and Primary Schools.
 - e) Payments of contributions to Police and Health infrastructure.
 - f) Payments of contributions to Canal Towpath enhancement and a connecting bridge to Allocation PR7b
 - g) Payment of contributions towards archaeology storage, library enhancement and waste services
 - h) Appropriate monitoring fees for the delivery of the s106

It was further resolved that: If the Section 106 agreement/undertaking was not completed within 12 Months of the resolution and the permission was not able to be issued by this date and no extension of time had been agreed between the parties, the Assistant Director for Planning and Development be given delegated authority to refuse application 23/02098/OUT for the following reason:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents

and contrary to Policies PR2, PR4a, PR4b, PR5, PR8 and PR12 of the Cherwell Local Plan Partial Review, Policies BSC7, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework

Conditions

Time Limits

1. The first Reserved Matters Application shall be made to the local planning authority no later than 3 (three) years from the date of this permission.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be Commenced either before the expiration of 3 (three) years from the date of this permission, or before the expiration of 2 (two) years from the date of the last Reserved Matters Application to be approved, whichever is the later.

Reason: To prevent the accumulation of unimplemented planning permissions, in accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

3. Application(s) for approval of all the Reserved Matters shall be made to the local planning authority before the expiration of 8 (eight) years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions and in accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

4. Details of the layout, scale, appearance, landscaping and access (other than shown on the approved plans) (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended) and the Development Management Procedure Order.

Compliance with Plans

5. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans:
Site Location Plan - BEG-HBA-SW-ZZ-DR-A-080100 (Rev P1)
Development Zones - Parameter Plan 1 (BEG-HBA-SW-ZZ-DR-A-080101 Rev P2)

Maximum Building Heights - Parameter Plan 2 (BEG HBA SW 22 DR A 080 102 Rev P1)
 Green Infrastructure - Parameter Plan 3 (BEG HBA SW 22 DR A 080 103 Rev P2)
 Access and Movement - Parameter Plan 4 (BEG HBA SW 22 DR A 080 104 Rev P2)
 Existing Site Levels - Supporting Plan 1 (BEG HBA SW 22 DR A 080 105 Rev P1)

The following plans are illustrative only but have formed part of the application submission:

Illustrative Site Levels (BEG HBA SW 22 DR A 080 106 Rev P1)
 Illustrative Demolition Plan (BEG HBA SW 22 DR A 080 107 Rev P1)
 Illustrative Masterplan (BEG HBA SW 22 DR A 080 108 Rev P1)

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Compliance with the Environmental Statement

6. The development shall be carried out in accordance with the mitigation measures summarised in Paragraph 18.1.2 of the Environmental Statement, and Tables 18.1 Summary of Construction Effects and Table 18.2 Summary of Completed Development Effects, and Tables 18.3 Summary of Cumulative Effects – Completed Development and the monitoring and review provisions outlined in Paragraphs 18.2.1 and 18.2.2 in the Environmental Statement.

Reason: To ensure that the development takes place in accordance with the schedule of mitigation contained within the Environmental Statement.

Approved Uses

7. The following table represents the approved uses as part of the development.

Use (Town and Country Planning (Use Classes) Order 1987, as amended)	Amount
Residential within Use Class C3/C4 and large houses of multiple occupation (Sui Generis)	Up to 215,000 square metres gross external area of residential floorspace (or c.1,800 homes which depending on the housing mix could result in a higher or lower number of housing units). Minimum of 1600 under Use Class C3 *for the avoidance of doubt,

	these figures are the gross external areas of the buildings that are usually occupied by people and, therefore, exclude plant rooms, spaces for parking, servicing, circulation and ancillary storage and on-site energy generation that are delivered in support of the principal residential use.
<p>Science Park Extension/Employment</p> <p>Employment uses including research and development, office and workspace and associated uses (Use E(g)), industrial (Use Class B2) and storage (Use Class B8) in connection with the expansion of Begbroke Science Park</p>	155,000sqm (or equivalent of 14.7ha employment)
<p>Local Centre and other supporting uses - set out as below:</p>	
Retail (Use Classes E(a), (b), and (c))	Up to 3,500 sqm GEA
Hotel (Use Class C1)	Up to 10,000 sqm GEA
Non-residential and leisure institutions, including medical or health services, indoor sport or fitness facilities, and creches and/or nurseries. (Use Class E(d), (e), and (f))	Up to 5,600 sqm GEA
Halls and meeting places (use Class F2(b))	Up to 1,200 sqm GEA
Sui generis uses including (but not limited to) public houses, wine bars or drinking establishments	Up to 700 sqm GEA
Secondary school	8.02ha or 11,400sqm GEA
Up to 2 Primary schools	5.4ha or 8,400sqm GEA
Open Space and Play	Open space and play space shall be provided in accordance with the standards set out in the Policy BSC11: Local Standards of Provision – Outdoor Recreation in the Cherwell Local Plan 2011-2031 Part 1.

Reason: To ensure that the development takes place in accordance with the schedule of mitigation contained within the Environmental Statement

and to define the maximum amount of development approved by the permission.

8. The development hereby approved shall be carried out in accordance with the approved documents as set out below, except to the extent that those details are superseded or expanded by an approved Design Code or by any Reserved Matters approval or other approval pursuant to any condition of this planning permission
 - Development Specification;
 - Strategic Design Guide;
 - Framework Site Wide Travel Plan;
 - Framework Construction Traffic Management Plan
 - Framework Delivery and Servicing Management Plan;
 - Framework Energy and Sustainability Strategy;
 - Framework Lighting Strategy;
 - Outline Landscape and Ecological Management Plan;
 - Outline Construction Environmental Management Plan;
 - Operational Waste Management Plan;
 - Site Waste Management Plan; and
 - Outline Drainage Strategy.

Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990, and to ensure that the details and approach are consistent with good planning, in accordance with Policy PR8 of the Cherwell Local Plan (Partial Review)

Phasing

9. No development shall commence until a Site Wide Phasing Plan which accords with the s106 triggers and Transport Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. It shall define a key phase and include the expected sequence of delivery of development within a Development Area, or sub area, or the provision of any other element or to any other applicable trigger point. The development shall be carried out in accordance with the approved Phasing Plan unless there are unforeseen events / obstacles to delivery and alternative timing for provision is agreed in writing by the Local Planning Authority. The Phasing Plan shall, by written agreement with the Local Planning Authority, be updated from time-to-time to reflect increased certainty of delivery of infrastructure. The Site Wide Phasing Plan shall include but not be limited to the sequence of providing the following elements:
 - a. A plan showing defined key phases
 - b. Residential development parcels, including approximate housing numbers;

- c. Local centre, mixed use and employment use areas, including commercial floorspace and broad delivery timescales;
- d. Local bus services;
- e. Major distributor roads/routes within the site, including timing of provision and opening of access points into the site and connections to neighbouring developments;
- f. Strategic footpaths and cycleways;
- g. Community facilities;
- h. Strategic foul and surface water features and SUDS;
- i. Formal and informal public open space, park/square, allotments, community orchard and parks, NEAPs, LEAPs and SIPs;
- j. Strategic electricity, telecommunications and gas networks;
- k. Infrastructure for the provision of fibre optic cables;
- l. Biodiversity net gain;
- m. Environmental mitigation measures;
- n. A mechanism for its review and where necessary amendment

Reason: To clarify how the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that infrastructure provision and environmental mitigation are provided in time to cater for the needs and impacts arising out of the development, in accordance with Policy PR8 of the Cherwell Local Plan (Partial Review) and the aims and objectives of ensuring clear development monitoring and delivery in the NPPF.

Development Brief/Coding

10. Prior to the submission of the first of the reserved matters applications for each Phase of the development except for enabling works or strategic engineering works, a Design Code for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared for each Key Phase in accordance with the principles and parameters established in the Approved Documents submitted with the Outline Planning Application. It shall include both strategic and more detailed elements.

The Design Code shall explain its purpose, structure, and status; indicate who should use the document and how to use it; set out the mandatory and discretionary elements and be clear how these apply.

Where relevant the Design Code shall address the interface with adjoining areas, whether they have already been subjected to design coding or not, and indicate appropriate cross boundary design responses, both within the Application Site and across the Allocated Site, in accordance with the principles of the outline planning permission or Policy PR8 of the Cherwell Local Plan, unless otherwise demonstrated. The detail of the requirements of the Design Code are at Appendix B.

Reason: To ensure high quality design and coordinated development and to facilitate comprehensive development through cumulative phases of development in accordance with Policies PR4a, PR5, PR8 of the Cherwell Local Plan Partial Review, Policies BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD5, ESD6, ESD7, ESD8, ESD10, ESD13, ESD15, ESD16, ESD17 and SLE4 of the Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996

Site Wide Construction and Environmental Management Plan (CEMP)

11. Prior to the commencement of development, a detailed site wide Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall be based on the principles outlined in the submitted Strategic Construction Environmental Management Plan shall include the following:
 - i) Implementation of earthworks and details of any piling, noise, vibration and associated mitigation;
 - ii) Implementation air quality and dust suppression management measures through a Dust Management Plan;
 - iii) The protection of the environment and implement best practice guidelines for works within or near water and habitats, including the appointment of a qualified ecologist to advise on site clearance and construction, in particular any works that have the potential to disturb notable ecological features;
 - iv) Measures to minimising energy requirements and emissions from equipment and plant (including minimising the use of diesel- or petrol-powered generators and instead using mains electricity or battery powered equipment; powering down of equipment / plant during periods of non-utilisation; optimising vehicle utilisation; use of energy efficient lighting)
 - v) Construction management measures to ensure the preservation of on-site heritage assets and to ensure the preservation of on-site designated heritage assets within the site
 - vi) An Emergency Response / Spill Response Plan to be produced by the Principal Contractor(s) for the protection from contamination
 - vii) Measures to minimise greenhouse gas emissions associated with the production of waste including the reuse and recovery of materials where possible, avoid excavation waste, management of water and water

resources, the reuse and/or recycling of construction waste on-site in subsequent stages of the development

- viii) Measures to reduce the impact on neighbouring and nearby residents and associated temporary fencing, lighting and construction compounds and activity through the operational phase of development
- ix) Details of site management including a method for creation of logging of visitors and contractors on site, the monitoring incidents and complaints), including monitoring and reporting (including site inspections, soiling checks, compliance with Dust Management plan, etc) and, where appropriate, CCTV and tracking of contractor vehicles to ensure appropriate routing of vehicles

The development shall be carried out in accordance with the approved CEMP.

Reason: To manage construction process and to ensure that the impacts to soils, air quality, contamination and ground conditions, ecological habitats, cultural heritage, noise and vibration, heritage assets, transport and waste as well as neighbouring and nearby residents and climate impacts are managed in accordance with the mitigation outlined in the Environmental Statement and in accordance with Policies ESD1, SLE4 of the Cherwell Local Plan Part 1 2011- 2031, Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the NPPF.

Construction Traffic Management Plan (CTMP)

12. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CTMP shall detail traffic routing, temporary access and haul roads to ensure construction vehicles, materials and logistics saving measures are managed.

The development shall be carried out in accordance with the approved CTMP.

Reason: To manage construction process and to ensure that the impacts to local transport infrastructure and the strategic highway network is managed in accordance with the mitigation outlined in the Environmental Statement and in accordance with Policies ESD1, SLE4 of the Cherwell Local Plan Part 1 2011- 2031, Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the NPPF.

Site Wide Landscape and Ecology Management Plan (LEMP)

13. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) covering a period of no less than 30 years shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the site shall be managed in accordance with the details of the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

Local Centre Delivery Strategy (LCDS)

14. Prior to or concurrent with the approval of any Reserved Matter Applications for new built development including local centre uses (as defined in National Planning Policy) or residential uses to be located within the local centre and other local centres (as identified on the Parameter Plans, Phasing Plan or Design Code), a Local Centre Delivery Strategy (LCDS) will be submitted to and approved in writing by the Local Planning Authority

The LCDS shall combine to provide a strategy that will encourage delivery of a sustainable and dynamic local centre to aid its short and long -term planning and ensure an appropriate mix of residential, employment, retail, civic and community land uses. Such a strategy shall have regard to the spatial principles of the Design and Access Statement and Design Principles. The settlement centre boundaries should be defined broadly in the LCDS, reflecting any Design Codes already approved and then refined as necessary through subsequent Phase Design Codes. Development in the defined local centre and other economic areas shall be carried out in accordance with the LCDS.

Reason: To ensure the appropriate development of the local centres and other employment areas, in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Science Park Extension Delivery Strategy (SPEDS)

15. Prior to or concurrent with the approval of any Reserved Matter Applications for new built development defined for the purposes of extending the Science Park or employment development located within the area shown in the Parameter Plans, Phasing Plan or Design Code, a Science Park Delivery Strategy (SPEDS) will be submitted to and approved by the Local Planning Authority

The SPEDS shall combine to provide a strategy that will encourage delivery of a sustainable and dynamic employment to aid its short and long-term planning and ensure an appropriate mix of employment-led development and supporting land uses. Such a strategy shall have regard to the spatial principles of the Strategic Design Statement and Development Specification and integrate with surrounding uses and a cohesive public realm. The Science Park boundaries should be defined broadly in the SPEDS, reflecting any Design Codes already approved and then refined as necessary through subsequent Phase Design Codes.

Development in the defined Science Park Extension shall be carried out in accordance with the SPEDS.

Reason: To ensure the appropriate development of the extension of the Science Park for the equivalent of 14.7ha of employment areas, in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031

Housing Mix

16. Prior to the submission of the first application for approval of Reserved Matters relating to the first Development Parcel including residential development within each Phase a housing mix strategy shall be submitted to and agreed in writing by the Local Planning Authority. The submitted strategy shall set out in relation to that Phase details of affordable housing and how this contributes to provision across the whole site and to ensure that there is no significant difference between market and affordable housing provision which would compromise the integration of affordable housing within the development.

Reason: To ensure the appropriate development of the housing in accordance with Policies PR2 and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Self-Build Strategy

17. Prior to the submission of the first application for approval of Reserved Matters in each Phase a Strategy to enhance or support the opportunity for the delivery of self/custom build homes shall be submitted to and agreed in writing by the Local Planning Authority.

The development shall be carried out in accordance with the agreed details.

Reason: To ensure the appropriate development of the housing in accordance with Policies PR2 and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF. Parking Strategy

18. i) Prior to, or concurrently with, the submission of the first Development Area Brief, a Site Wide Car and Cycle Parking Strategy shall be submitted to the local planning authority for approval. No occupation shall commence until such time as the Strategy has been approved in writing by the local planning authority. The Strategy shall:
 - a) set car, coach, bus, cycle and motorcycle parking levels for different uses in relation to targets associated with the Site Wide Travel Plan agreed pursuant to the Section 106 Agreement and provide a mechanism for review;
 - b) provide a distribution strategy and hierarchy for all types of parking;

- c) provide principles for temporary car parking and its phasing;
- d) set levels for and principles relating to the location and type of electric vehicle charging points.
- e) provide a phasing plan for the reconfiguration of the existing Science Park car parking
- ii) Any Reserved Matters Application which includes parking shall be accompanied by a Parking Plan submitted to the local planning authority for its approval which details how the proposed development complies with the Site Wide Car and Cycle Parking Strategy. The Parking Plan shall be implemented before the buildings permitted by approval of the Reserved Matters Application are first occupied and shall thereafter be maintained thereafter.

Reason: In order to provide consistent and sustainable parking management across the Site to help minimise impact on the network and promote sustainable modes of travel, reduced reliance on the private car and opportunities to maximise the use of public transport, walking and cycling in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Hotel stay

19. The maximum cumulative stay in any aparthotel (falling within use class C1) by any individual occupier shall be no more than 90 (ninety) days in any 12 (twelve)-month period. The aparthotel shall keep records of the length of stay of all individual occupiers and shall retain them for 24 (twenty-four) months. The said records shall be made available to the local planning authority on request, within 7 (seven) days.

Reason: To ensure that any aparthotel rooms are not used as permanent residential accommodation or student accommodation, which would give rise to different impacts in accordance with Policies PR2 and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Contamination Verification Strategy

20. A verification report that demonstrates the effectiveness of the remediation laid out in the Hydrock Remediation Strategy and Verification Plan (ref: 19114-HYDXX-XX-RP-GE-01004-S2-P04 dated 27/06/2023) shall be submitted to and approved in writing by the Local Planning Authority. Any change to the proposed remediation strategy must be submitted to and approved by the Local Planning Authority prior to works commencing.

Reason: To ensure that any aparthotel rooms are not used as permanent residential accommodation or student accommodation, which

would give rise to different impacts in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Unexpected Contamination

21. If during the course of development, contamination not previously identified is found to be present at the Site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development within the area subject to the contamination (unless otherwise agreed in writing with the local planning authority) shall be carried out until the applicant has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Other commercial uses delivery and Reserved Matters detail (Class E)

22. Prior to first occupation a strategy for meanwhile and temporary commercial uses during the course of the development shall be submitted to and agreed in writing by the Local Planning Authority No development of commercial permanent floorspace over 200sqm shall be permitted outside of the defined Local Centre or Science Park Extension area unless otherwise set out in the Local Centre Delivery Strategy.

Reason: To ensure that any ancillary or further commercial development does not compromise the delivery of the Local Centre, Science Park or the vitality or viability of Kidlington. Temporary or meanwhile uses can deliver the benefits early in the development process whilst permanent solutions are delivered but should not be at the expense of permanent solutions. High levels of floorspace outside the defined areas would give rise to different impacts which could potentially conflict with Policies PR4a and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Delivery Servicing and Management Plan

23. No development shall take place until a detailed Delivery Servicing and Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate any adverse impact from the development on the A34 and to ensure that the A34 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with Policies PR8 and PR11 of the Cherwell Local Plan Partial Review and Policy SLE4 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF.

Archaeology condition(s)

24. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2023).

25. Following the approval of the Written Scheme of Investigation referred to in condition 24 (above), and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.

Ecology/BNG condition(s)

26. Prior to the commencement of works, a detailed Biodiversity Improvement Management Plan (including updated survey work as appropriate) detailing how the 29.9ha of land will be converted and managed as a Local Nature Reserve and the requirements set out in Policy PR8 shall be submitted to and approved in writing by the Local Planning Authority. The management plan should set out:
- how the development would provide appropriate buffers to the Rushy Meadows SSSI;
 - the retention and enhancement of the Rowel Brook and surrounding landscaping;
 - retention and enhancement of existing ponds and ditches on the Site.

- detail associated with the creation of new greenspaces adjacent to the Rowel Brook and the Oxford Canal, including marshland and wet meadows,
- creation of at least 6 new of ponds on the Site,
- the creation of Sustainable Drainage System wetland; and
- enhance the extent and connectivity of habitat suitable for protected species including otters and water voles.

Reason: To ensure that the development follows the Ecology mitigation identified in the Environmental Statement, submits appropriate information in relation to Biodiversity Management outlined in Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policies ESD10, ESD13 and ESD16 of the Cherwell Local Plan 2011-2031 and meets the requirements of the NPPF in mitigating and achieving biodiversity net gain

27. a) Prior to the first Reserved Matters a detailed strategy for the achievement of Biodiversity Net Gain across the whole site shall be submitted to and agreed in writing by the Local Planning Authority.
- b) As part of each subsequent Reserved Matters details of Biodiversity Net Gain to be achieved over the Reserved Matters submission and how this contributes to the overall development aims shall be submitted to and approved in writing by the Local Planning Authority.
- c) The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development meets the requirements of the NPPF in mitigating and achieving biodiversity net gain and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policies ESD10, ESD13 and ESD16 of the Cherwell Local Plan 2011-2031

Sustainable Construction Strategy

28. a) Prior to or concurrently with the submission of the first Development Parcel Reserved Matters application, a strategy shall be submitted detailing how the development will progress the aims of net zero carbon to include targets for each element that:
- As a minimum, complies with national and local requirements for low and zero carbon.
 - Create a Development that is resilient to energy price fluctuation and the impacts of climate change.
 - Supports the transition towards Net Zero Carbon.
 - Reduce potable water demand through the efficient use of water to a maximum of 105 litres per person per day
 - Include details for the management of wastewater (e.g. through rainwater harvesting) – Manage water run-off through the incorporation of SuDS

- Minimise the generation of and increase the reuse of waste associated with demolition, excavation and construction
- Provide systems for efficient waste management during operation
- Provide for the sustainable use of materials and resources, considering embodied impacts, sourcing, conservation and reuse
- Promote and enable efficient low-carbon means of transport and prioritise active transportation by providing a minimum appropriate cycle storage within dwellings and providing staff cycle storage and changing facilities within workplaces
- Ensure the reduction in energy use for heating and cooling
- Provide for electric charging points on all private properties, communal parking spaces, and on all disabled parking spaces with the provision of passive capability to install future electric vehicle charging points
- Sustainable buildings that deliver high levels of enhanced economic, social and environmental outcomes including lower operational costs.

b) As part of the Reserved Matters submissions for each Development Parcel a compliance statement for that Development Parcel shall be submitted demonstrating how the proposal meets or exceeds the requirements of Site wide sustainability standards and a strategy for implementation in relation to that Development Parcel.

c) The development of each Development Parcel shall be implemented in accordance with the relevant agreed details and timescales for that Development Parcel.

Reason: To ensure that the proposals meet the challenge of the legislation set out in the Climate Act 2008 as set out by the aims and objectives set out in the NPPF, Policies PR5, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies ESD6, ESD7 and ESD8 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF.

Landscape Reserved Matters

29. Any Reserved Matters Application for landscaping details pursuant to this approval shall, where relevant, include detailed landscape designs and specifications for the associated Reserved Matters Area. The details shall be accompanied by a design statement that demonstrates how the landscaping scheme accords with any emerging or approved details sought as part of the Approved Design Code for a Phase and shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including details of cultivation to soils before seeding and turfing, proposals for maintenance and management associated with plant and grass establishment for a 5- year establishment and maintenance period, details of the mix, size, distribution, density of all trees/hedges/shrubs to be planted and the proposed planting season. The planting plan

shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.

- b) 1:500 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads (primary, secondary, tertiary, and green) through the development.
- d) A specification for the establishment of trees, including within hard landscaped areas including details of space standards (target rooting volumes for trees and distances from buildings and/or development parcels.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Full details of any existing, altered, or proposed watercourses/drainage channels.
- g) Full details of the location of any services and utilities relative to existing and proposed soft landscaping.
- h) Details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882: 2015, proposed levels and contours to be formed and sections through construction to show make-up.
Hard Landscaping
- i) Full details, including cross-sections, of all bridges and culverts.
- j) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs, and lighting columns/brackets.
- k) 1:500 plans (or at a scale otherwise agreed) including cross sections, of roads, paths, and cycleways.
- l) Details of all hard-surfacing materials (size, type, and colour)

Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

The landscaping within the Reserved Matters Area shall be implemented in accordance with the approved plans for implementation and for their replacement.

Reason: To ensure an appropriate level of information is contained within the application documentation in accordance with Policies

Surface Water Strategy

- 30. As part of any application for reserved matters relating to layout, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, including principles of future management, shall be submitted to and approved in writing by the

Local Planning Authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:

- i. a compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire"
- ii. full drainage calculations for all events up to and including the 1 in 100 years plus 40% climate change;
- iii. a Flood Exceedance Conveyance Plan;
- iv. comprehensive infiltration testing across the site to BRE DG 365 (if applicable);
- v. detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- vi. detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and; details of how water quality will be managed during construction and post development in perpetuity;
- vii. confirmation of any outfall details; and
- viii. consent for any connections into third party drainage systems.

Reason: To manage on site drainage and sustainable drainage systems across the site in accordance with Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policies ESD6, ESD7, ESD8, ESD10, ESD13, ESD15 and ESD16 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

Foul Water Strategy

31. The development shall be undertaken in accordance with a Development and Infrastructure Phasing Plan which shall be submitted for approval by the LPA prior to development commencing. As a minimum the Plan should include the anticipated commencement and occupation of development phases and how the necessary upgrade works and their timescales for delivery have been taken into account. Occupation of the development (or part of the development) shall only take place in accordance with the Development and Infrastructure Phasing Plan."

Reason: Oxford sewage treatment works does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewage treatment works to avoid adverse impacts on the environment.

32. The development shall not be occupied until confirmation has been provided to the LPA that all foul water network upgrades required to accommodate the additional flows from the development are operational with that time period anticipated as being within 3 years of the date of this consent".

Reason: The local sewerage network does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewerage network to avoid adverse impacts on the environment.

33. The development shall not be occupied until confirmation has been provided to the LPA that all foul sewage treatment upgrades required to accommodate the additional flows from the development are operational with that time period anticipated as being within 3 years of the date of this consent".

Reason: The local sewage treatment works does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewerage network to avoid adverse impacts on the environment in accordance with Policies PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF.

Framework Travel Plan

34. Prior to first occupation an updated Framework Travel Plan shall be submitted to and approved by the Local Planning Authority and implemented thereafter. The Travel Plan shall include mechanisms for review and updating dependent on delivery timescales. The development shall be carried out in accordance with the Adopted Travel Plan.

Reason: To promote and implement sustainable transport measures and reduce the reliance on the car in accordance with Policies PR4a, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 and SLE4 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

Residential Travel Plan

35. Within three months of first occupation of each Phase a Travel Plan for the residential dwellings of that Phase shall be submitted to and approved by the Local Planning Authority and implemented thereafter. The Travel Plan shall include mechanisms for review and updating dependent on delivery timescales. The development shall be carried out in accordance with the Adopted Travel Plan.

Reason: To promote and implement sustainable transport measures and reduce the reliance on the car and promote cycling, walking and the use of public transport in accordance with Policies PR4a, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 and SLE4 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

School Travel Plan

36. Within 12 months of the first occupation of each school within the development site, a School Travel Plan shall be submitted to and approved by the Local Planning Authority and implemented thereafter. The Travel Plan shall include mechanisms for review and updating dependent on delivery timescales. The development shall be carried out in accordance with the Adopted Travel Plan.

Reason: To promote and implement sustainable transport measures and reduce the reliance on the car and promote cycling, walking and the use of public transport in accordance with Policies PR4a, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 and SLE4 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

Youth and Play Strategy

37. Prior to or concurrently with the submission of the first of the reserved matters submission for Strategic Engineering or Strategic Landscaping element, whichever is earlier, a Strategy for Youth Facilities and Children's Play provision across the Phase, in accordance with the principles set out in the submitted Environmental Statement and the principles of the Design Code (approved under Condition 8), shall be submitted to the Local Planning Authority for approval. The Youth and Play Strategy shall include sufficient details to demonstrate the implementation of the Sports strategy within the Strategic Design Guide including specifications, location and phasing and include details of management, maintenance and governance. Reserved matters submissions shall take account of and be submitted in accordance with the approved strategy.

Reason: To ensure that the proposals deliver appropriate an amount and variety of sport and recreational opportunities for all ages in accordance with the submitted Environmental Statement, Sports Strategy and Landscape Strategy and Policies PR5 and PR8 of the Cherwell Local Plan Partial Review and Policy BSC10, BSC11, ESD10, ESD13, ESD15, and ESD17 of the Cherwell Local Plan 2011-2031, 2031, saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the NPPF.

Formal Sport

38. Should any Formal Sport provision be provided, the playing pitches shall not be laid out unless and until:
- a) a detailed assessment of ground conditions of the land proposed for the new playing pitches has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - b) based on the results of the assessment to be carried out pursuant to (a) above of this condition, a detailed remediation scheme to ensure that the playing fields will be provided to an acceptable quality

(including appropriate drainage where necessary) and which sets out an implementation strategy for the works and approach to public access has been submitted to and approved in writing by the Local Planning Authority

- c) Detailed submissions with regard to the layout, lighting (including light spillage details), permanent sports equipment and practice areas. The development of the playing pitches shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To ensure that the proposals deliver appropriate an amount and variety of sport and recreational opportunities for all ages in accordance with the submitted outline details and in accordance with the requirements of Policies PR3, PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD13, ESD15 and ESD17 of the Cherwell Local Plan

Formal Play (NEAPS, LEAPS)

- 39. a) A Reserved Matters submission which includes a Multi-Use Games Area (MUGA), Neighbourhood Equipped Area of Play (NEAP), and Local Equipped Areas of Play (LEAPs) or other formal play provision shall be carried out in accordance with the Site Wide Youth and Play Strategy and shall include details of site levels, play features and facilities for an appropriate age of children and youth provision, seating, pathways, planting and landscaping relating to that play facility and a strategy for its implementation and management shall be submitted for the approval of the Local Planning Authority. The play equipment shall be designed in a manner to reflect the location and to ensure that there is individual identity and design to distinguish the play facility from other play facilities in the application site. b) The development of the play provision shall be carried out in accordance with the relevant agreed details and retained thereafter. c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver an appropriate amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Informal Play (LAPs, SiPs)

- 40. a) A Reserved Matters submission which incorporates additional Local Areas of Play (LAPs), Sites for Imaginative Play (SiPs) or other areas of informal play shall be carried out in accordance with the Site Wide Youth

and Play Strategy shall include details of site levels, play features, seating, pathways, planting and landscaping relating to that LAP, SiP or other area of informal play and a strategy for their implementation and management shall be submitted for the approval of the Local Planning Authority.

b) The development of each informal play area shall be carried out in accordance with the relevant agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver appropriate an amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Community Orchard/Edible Landscape

41. a) As part of the Reserved Matters submission which incorporates new groups of tree planting, shall consider the provision of community orchards and an edible landscape, and should those be proposed the following details relating to any such provision shall be submitted to the Local Planning Authority for approval in writing:

i. details of site levels and soil preparation,

ii. planting to promote an edible landscape including fruit trees, shrubs and bushes,

iii. boundary treatment and hedgerow planting,

iv. any ancillary features such as seating, bins (including dog bins),

v. arrangements for implementation and management of the area for the future community.

b) The development of such community orchards shall be carried out in accordance with the agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver appropriate opportunities for tree planting, healthy lifestyles and wildlife foraging and in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Central Park Delivery Strategy

42. The Reserved Matters submissions for any Development Parcel or Landscaping Element which relates to the Central Park shall, where appropriate, include the following details:
- a) Details of areas of formal and informal play
 - b) Ancillary buildings and structures
 - c) Tree planting
 - d) Details of new planting
 - e) Ecological measures
 - f) Ground contamination management
 - g) Pathways and movement through the park
 - h) Fencing and boundary treatment
 - i) Street furniture, lighting and CCTV
 - j) Opportunities for public art
 - k) Proposed finished levels
 - l) Landscape management for a period of 15 years.

Reason: To ensure that the proposals deliver appropriate opportunities for tree planting, healthy lifestyles and wildlife foraging and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Allotments Strategy

43. The Reserved Matters submissions for any Development Parcel or Landscaping Element which incorporates allotment provision shall, where appropriate, include the following details:
- a) A plan of the allotments, principles of plot layout and design providing for a range of plot sizes designed to allow flexibility to meet the needs of future plot holders; areas for communal storage of, for example, manure and compost;
 - b) Confirmation that the site of the proposed allotments is free from contamination and capable of growing fruit and vegetables for human consumption;

- c) Proposed management arrangements for the allotments (including topsoil and soil provision/management) including consultation with relevant bodies;
 - d) Access and parking arrangements to allow easy and safe access to the allotments;
 - e) Details of the ancillary features (e.g. bins, seats, water butts, greenhouses and sheds);
 - f) Boundary treatment, including security arrangements for the allotments;
 - g) Water supply, including use of stored rainwater and SuDS for watering crop and drainage arrangements to ensure that the proposed site for the allotments is free draining and does not impact on the wider drainage network (e.g. through silting up of the drainage network).
- ii) The provision of allotments shall be carried out in accordance with the approved details and in accordance with the approved phasing programme.

Reason: To ensure that the detail of allotments are delivered in a manner that delivers an appropriate allotments for future users in accordance with the requirements of Policies PR5 and PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Social Farm/Agricultural Land Delivery Strategy

44. As part of the Reserved Matters for the relevant Phase of Development the submission shall detail how the development will contribute to the delivery of 12hectares of agricultural land.

The details of the Social Farm Delivery shall also be submitted in terms of the management, agricultural tenure and holding and detail of how the scheme will differentiate itself from allotments to provide an Agricultural Holding.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development maintains and delivers the aim of Policies PR5 and PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review) to ensure that 12ha of agricultural land is provided as part of the development.

Footpaths, Cycleways and Green Corridors

45. Prior to or as part of the Reserved Matters submission with regard to the relevant phase the submission shall detail:
1. Footways and cycleways to promote active travel for recreation and commuting across the site and connections to neighbouring developments.
 2. The creation of Green Corridors including landscaping, seating, signage and public art
 3. The creation of recreational links and access across the land to the East of the Railway in a manner that would be compatible with Green Belt and ecological aims including active travel links, canal towpath links and downgrading of Sandy Lane, including a review of surfacing, existing signals, access to existing properties and safeguarding of land to deliver connections across the canal.

Reason: To ensure that the detail of footways, cycleways and other routes are delivered in a manner that delivers an appropriate recreational facility for future users in accordance with the requirements of Policies PR5 and PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies SLE4, ESD13, ESD15, ESD16 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Community Use Agreement

46. Within 12 months of the first use of the secondary school, a community use agreement for the indoor and external facilities shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to playing fields and sports facilities, including any artificial grass pitch, sports hall changing facilities associated with sports facilities and other facilities as appropriate. Details shall include details of pricing policy, hours of use, access by non-school users, management responsibilities, implementation timetable and review mechanism. The community use agreement shall be implemented fully in accordance with the approved details and timetable.

Reason: To secure well managed safe community access to the sports facility/facilities to ensure sufficient benefit to the development of sport and in accordance with Policy PR8 of the Local Plan Partial Review, Policies BSC7, BSC8 and ESD15 of the CLP2015 and the aims and objectives of the NPPF in seeking an integrated community.

Lighting Strategy

47. Prior to or concurrently with each Reserved Matters details of a site-wide lighting strategy taking account of the principles in the Framework Lighting Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:
- i. Lighting for play
 - ii. Lighting for residential areas

- iii. Lighting for commercial areas
- iv. Lighting for public realm and walking and cycling routes
- v. Areas of ecological areas where lighting will be prohibited.
- vi. A strategy for lighting roads and development parcels.
- vii. A strategy for mitigation to reduce light pollution during construction.

No occupation shall take place on any phase until the detailed lighting strategy has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance Policies PR3, PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Tree Management Strategy

48. As part of the Reserved Matters submission, a tree management strategy and associated plans for the following insofar as they relate to that Reserved Matters shall be submitted to and agreed in writing by the Local Planning Authority.
- i) A strategy for the ongoing management, felling and replacement planting of any trees within existing mature trees and hedgerows in accordance with the principles of the outline planning permission.
 - ii) A strategy for other standalone and groups of trees and hedgerows within the Reserved Matters submission
 - iii) Details of tree protection measures relating to that Reserved Matters submission in accordance with BS5837:2012 (or succeeding and/or replacement legislation) to be maintained throughout construction.
 - iv) Details of new landscaping features (e.g. seats, dog bins, and footpaths) within the existing tree belts within the Reserved Matters submission
 - v) A strategy for implementation and retention of new and existing trees, hedgerows or tree belts within the Reserved Matters submission
- b) The development of each Reserved Matters shall be implemented in accordance with the agreed strategy and timescale and retained thereafter.

Reason: To ensure that the proposals deliver appropriate management and retention of the existing tree cover to the site in accordance with the submitted Environmental Statement and Policies PR5 and PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Noise Mitigation Strategy

49. Prior to the development commencing a report shall be submitted to and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources).

Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details. If alternative means of ventilation are required, then an overheating assessment should be carried out in accordance with details submitted to and approved by the Local Planning Authority and the approved details shall then be implemented into the development.

Reason: To ensure that the proposals provide an appropriate mitigation to road and railway noise arising from neighbouring land uses in accordance with Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Low Emission Strategy

50. Prior to the submission of the first Reserved Matters a Low Emission Strategy shall be submitted to and agreed in writing to mitigate, improve and enhance, wherever possible, the air quality and sustainable transport options to the surrounding area. The development shall be carried out in accordance with the approved strategy.

Reason: To ensure that the proposals provide an appropriate mitigation to road and railway noise arising from neighbouring land uses in accordance with Policies PR4a, PR4b and PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Fibre Optic Installation

51. a) Prior to the commencement of any Reserved Matters, a scheme detailing the provision of open access ducting for fibre optic cable to serve a range of telecommunication services, shall be submitted to and approved in writing by the Local Planning Authority, including site infrastructure plans. The scheme shall ensure:
- i) that a site-wide network is in place and provided as part of infrastructure works;
 - ii) that the site-wide network includes the provision of open access ducting for fibre optic cable to the boundary of the site; and iii) a strategy for implementation of the works and access and connections to neighbouring Development Parcels.
- b) As part of the Reserved Matters submission for layout, a strategy shall be submitted to and agreed in writing by the Local Planning Authority to

demonstrate the completion of infrastructure to facilitate the provision of fibre optic cable to each property upon the completion of the infrastructure. The scheme shall be implemented in accordance with the agreed timescales and retained thereafter.

Reason: To provide appropriate and sustainable infrastructure for high-speed internet connection in accordance with Policies PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies BSC9 and ESD15 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Residential Space Standards

52. A Reserved Matters Submission within the redline of the outline application shall be accompanied by a statement outlining that all proposed residential properties are in compliance with national or local space standards, whichever provides a higher level of space.

Reason: To achieve an appropriate standard of housing in accordance with Policy PR2 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

Appendix A – Definitions

‘Associated Works’: means any works or operations associated with and incidental to the development including; erection of temporary buildings; creation of access routes; temporary use of land for car parking; or any other works or operations to enable such works to take place.

‘Commencement’: means the initiation of development as defined in Section 56(4) of the Town and Country Planning Act 1990, with the exception of Enabling Works, Associated Works and site access works, and

“Commence” or “Commenced” shall be construed accordingly.

‘Design Guide Statement of Compliance’: means a statement which demonstrates how a proposed Reserved Matters Application accords with and gives effect to the guiding principles set out within an associated approved Design Guide.

‘Design and Access Statement’: means the Design and Access Statement submitted with the application in its consolidated form in 2024

‘Strategic Design Guide’: means the guide submitted with the application. The Design Guide shall cover but not be limited to the items set out in the Design Specification Document submitted with the application.

'Development Area': means the areas identified on the Land Use Parameter Plan as development areas.

'Development Area Brief': means a brief prepared in relation to either any other sub area of that as may be agreed with the local planning authority, setting out the matters described in the Development Area Brief Specification.

Development Parcel means a phase or part of the development excluding Enabling Works and Strategic Engineering and Landscape Elements. For instance, this would include a phase or part of the development comprising housing, employment, a local centre, a school site and/or playing fields.

'Environmental Statement': means the documents titled Volumes I to II, dated 2023, and the ES Addendum, dated April 2024.

'Enabling Works': means preparation works to make the Site ready for construction. Such works include (but are not exclusive to): Site or ground clearance; construction of temporary accesses and/or highway works to facilitate the carrying out of the development; archaeology; ecological surveys, investigations or assessments; site preparation; construction of boundary fencing or hoardings including for site security; provision of underground drainage and sewers; the laying and diversion of other services and service mediums; erection of temporary facilities for security personnel; the erection of security cameras; excavation; interim landscaping works; construction of temporary internal roads; erection of fencing, gates or enclosures, installation of CCTV or other works or operations to enable any of these works to take place including site and ground works.

'Existing Science Park': means the existing Begbroke Science Park in its current form and layout which is identified in the Environmental Statement accompanying the application.

'Housing Waiting List': means the list defined and prepared in accordance with Schedule xx of the Section 106 Agreement.

CLPPR: Means the Cherwell Local Plan Partial Review adopted September 2020

CLP2015: Means the Cherwell Local Plan adopted in 2015
CLP1996: Means the saved policies within the Cherwell Local Plan adopted in 1996

NPPF: means the National Planning Policy Framework (December 2023) or succeeding national planning policy guidance.

'Reserved Matters': means details of the access, appearance, landscaping, layout and scale as defined by the Town and Country

Planning (Development Management Procedure) Order 2015 (as amended) or succeeding legislation.

'Reserved Matters Application(s)': means an application for the approval of Reserved Matters which will relate to individual development parcels or infrastructure needed for a particular stage of development and will comprise the information.

'Reserved Matters Specification': means the specification

'Section 106 Agreement' means the agreement made between pursuant to section 106 of the Town and Country Planning Act 1990 and dated xxxx

'Site': means the land edged in red on the Existing Site Plan (drawing reference)

Strategic Engineering includes principal foul and surface water drainage infrastructure works, other utilities provision including protection and diversion, accesses, flood risk infrastructure works, primary roads, attenuation features, land re-profiling and raising that fall outside or connecting to Development Parcels.

Strategic Landscape Elements include strategic open space and landscape works and planting (including allotments), and similar related works that fall outside or connecting to Development Parcels.

Appendix B - Design Code Requirements

The Design Code shall include, as relevant to each Phase:

a. The vision for the Phase. This should clearly articulate how the Phase contributes to the realisation of the Vision for the Site as a whole, as articulated in the Design and Access Statement and Design Principles, with emphasis upon the overall framework for movement, land use and landscape. The framework for development should be presented within the context of the Application Site and the wider area.

b. The Design Code shall include a 'framework masterplan' that establishes the framework for development within that Phase. The 'framework masterplan' is the key plan associated with the Design Code and the content of the plan and its associated key will guide the structure of the Design Code.

c. A movement hierarchy for the Phase (which is to secure a legible, permeable and connected network), and the principles and extent of the highway that would potentially be offered for adoption (the extent of adoption will be agreed following Reserved Matters approval).

d. Typical street cross-sections which will include details of tree planting, landscaping, service runs, traffic calming and on street parking.

- e. How the design of the streets and spaces will address the needs of all users and give priority to sustainable travel.
- f. Principles to guide block structure and built form including design principles to address the relationships between land use; height and mass; primary frontages; pedestrian access points; fronts and backs; threshold definition; important buildings/groupings; building materials and design features.
- g. Approach to incorporation of ancillary infrastructure/buildings (such as substations, street name plates, pumping stations, pipes, flues, vents, meter boxes, external letterboxes, required by statutory undertakers as part of building design) and the routing of utilities.
- h. The approach to vehicular parking across the phase including the location and layout of parking for people with disabilities and for each building type, including the approach that will be adopted to access points into, and the ventilation of any undercroft or underground parking or any separate parking structures.
- i. The approach to cycle parking for all uses and for each building type, including guidance on the distribution (resident/visitor parking and location in the development), type of rack, spacing and any secure or non-secure structures associated with the storage of cycles, following the principles of the LTN1/20
- j. The approach to the landscape framework including the integration of the existing retained landscape features and new structural planting in the key public open spaces and along the primary and secondary streets, together with guidance on tree/planting specification, and the interface with surface water drainage features, the design of which will also be addressed.
- k. The provision of outdoor sports and children's play space provision including the formal playing fields and any Neighbourhood Equipped Area for Play (NEAP), Local Equipped Play Area for Play (LEAP) and Local Area of Play (LAP) with reference to the relevant open space/play space guidance and standards extant at that time
- l. The approach to the treatment of footpaths, cycleways, and bridleways through the site.
- m. The conceptual design and approach to key public spaces including the integration of public art (identifying appropriate locations) and guidance on materials, signage, utilities, and any other street furniture.
- n. The conceptual design and approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, to maximise energy efficiency, minimise light pollution and avoid street clutter.

- o. Details of waste and recycling provision for all building types, in accordance with RECAP principles.
- p. Measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscape, orientation, massing, and external building features.
- q. Design features to support biodiversity and ecological enhancement aligned with the relevant Phase Ecological Management Plan.
- r. Measures to minimise opportunities for crime.
- s. Details of the proposed design review procedures and circumstances where design review will be undertaken.

Reserved matters applications for that phase shall be submitted in accordance with 'a Design Guide Statement of Compliance' with the details approved as part of the Design Code for that Phase.

57 **Part Of OS Parcel 7700 Adjoining B4035 And Swalcliffe Road Upper Tadmarton**

The Committee considered application, 23/00831/F for the erection of a single storey 18 stable block with 2 storey frontage and for feed and bedding storage with tractor access in a courtyard arrangement associated storage, the formation of a 30x60m outdoor riding arena, lunge pen, horse walker and covered trailer parking and a temporary dwelling for a period of 3 years at part of OS Parcel 7700 adjoining B4035 and Swalcliffe Road Upper Tadmarton for Ms Katie Lavin.

Councillor Douglas Webb addressed the Committee as Local Ward Member.

Jane Fitzpatrick, on behalf of Tadmarton Parish Council, addressed the Committee in objection to the application.

Katie Lavin, the applicant, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report and presentation, addresses from the public speakers and the written updates.

Resolved

That, in line with the officer's recommendation authority be delegated to the Assistant Director for Planning and Development to grant permission for application 23/00831/F, subject to the conditions set out below, and any amendments to those conditions as deemed necessary.

Conditions

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Proposed scheme site plan (Titled: 5426-29 Rev G), Stables – plans/elevations/section (Titled: 5426-24 Rev C), Areal Elevations (Titled: 5426- 25), Temporary Dwelling (Titled: 5426 27), Proposed Scheme Sections (Titled: 5426-22 Rev C).

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in full accordance with the approved details prior to the first use or occupation of the development and shall be retained as such thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

4. No development shall commence unless and until a Construction Environment and Traffic Management Plan (CETMP) has been submitted to and approved in writing by the Local Planning Authority. The CETMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods and shall include working hours. The approved CETMP shall be implemented and operated in accordance with the approved details. The CETMP must be appropriately titled, include the site and planning permission number and must include the following:
 - a. Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - b. Details of and approval of any road closures needed during construction.

- c. Details of and approval of any traffic management needed during construction.
- d. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- e. Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- f. The erection and maintenance of security hoarding / scaffolding if required.
- g. A regime to inspect and maintain all signing, barriers etc.
- h. Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- i. The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- j. No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- k. Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- l. A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- m. Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- n. Any temporary access arrangements to be agreed with and approved by Highways Depot.
- o. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times

- 5. No development shall commence unless and until a schedule of materials and finishes to be used in the external walls and roof(s) of the buildings and riding arena has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence unless and until a scheme for landscaping the site has been submitted to and approved in writing by the Local Planning Authority which shall include:

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps,

(d) details of the enclosures along the boundaries of the site.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. No sound-amplifying equipment shall be installed or operated on the premises.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first use of the development hereby approved details of the external lighting/security lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of

the development hereby approved and shall be retained and operated as such at all times thereafter.

Reason: In the interests of visual amenity and highway safety and to protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. If a potential risk from contamination is identified as a result of the work carried out under condition 9, prior to the commencement of the development hereby permitted a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person

and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. The development hereby permitted shall be carried out in accordance with the recommendations set out in [**] of the [**] by [**] dated [**] unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Government guidance contained within the National Planning Policy Framework.

15. A method statement for enhancing the biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

16. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-D inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order with or without modification) no enlargement of the dwellinghouse shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason: Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. The living accommodation hereby approved shall be occupied solely in conjunction with and ancillary to equine use hereby approved and shall not be sold, leased or occupied as a separate unit of accommodation.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent, in accordance with saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. At the expiration of three years from the date hereof the temporary dwelling shall be removed from the site and the land shall be restored to its former condition on or before that date.

Reason: Planning permission has only been granted in view of the essential need for a new dwelling in accordance with saved Policy H18 of the CLP 1996 and government guidance contained within the National Planning Policy Framework and because of the temporary nature of the building.

The Committee considered application 23/03408/F, for the erection of a riding school building including grooms' accommodation and forage store at Turpins Lodge, Tadmarton Heath Road, Hook Norton, Oxfordshire, OX15 5DQ for John Romer.

Matt Chadwick, on behalf of the agent for the applicant, JPPC, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report, presentation, address from the public speaker and the written updates.

Resolved

That, in line with the officer's recommendation authority be delegated to the Assistant Director for Planning and Development to grant permission for application 23/03408/F subject to

- The conditions set out below (and any amendments to those conditions as deemed necessary) and
- The completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):
 - a) Details for the future use of the existing stables and arena to be submitted to the Council
 - b) To ensure the extant permission is not used as grooms' accommodation.
 - c) The receipt of a Nature Space Licence

Conditions

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans Site Location Plan, Site Plan Topography Plan with excavation, indoor arena ground floor, indoor arena first floor, indoor area second floor, indoor arena south elevation,

indoor arena west elevation, indoor arena east elevation, indoor arena north elevation, forage barn floor plan, forage store east elevation, forage store north elevation, forage store south elevation, forage store west elevation, application forms, ecological appraisal.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. A schedule of materials and finishes to be used in the external walls and roofs of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any foundations work. The development shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No development shall commence above slab level unless and until a scheme for landscaping the site has been submitted to and approved in writing by the Local Planning Authority which shall include:

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps,

(d) details of the enclosures along the boundaries of the site.

The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] and shall be maintained for a

period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The living accommodation hereby approved shall be occupied solely in conjunction with and ancillary to Turpins Lodge Riding School and shall not be sold, leased or occupied as a separate unit of accommodation.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent, in accordance with Policies BSC1 and ESD1 of the Cherwell Local Plan 2011-2031, saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence above slab level until details of the construction, including cross sections, of the proposed windows/doors, etc to a scale of not less than have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first use of the indoor arena and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

59 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Resolved

- (1) That the position statement be accepted.

60 **Planning Performance Report**

The Assistant Director Planning and Development submitted a report that detailed the Council's performance in determining planning applications against the Government's targets on speed and quality, as well as general performance figures.

In introducing the report, the Head of Development Management advised that the Council was meeting all measures except the quality measure in respect of major applications being allowed at appeal which had marginally gone over the target by 1%.

Resolved

- (1) That the report be noted.

The meeting ended at 6.52 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

Planning Committee – 5 October 2024

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Former Piggery And Land North Of Woodstock Road Yarnton	23/03307/OUT	Kidlington West	Approval	Andrew Thompson
9	OS Parcel 0069 West Of Quarry Close Quarry Close Bloxham	24/01908/OUT	Adderbury, Bloxham And Bodicote	Refusal	Andrew Thompson
10	The Pheasant Pluckers Inn Burdrop Oxfordshire OX15 5RQ	24/00613/F	Cropredy, Sibfords And Wroxton	Approval	Katherine Daniels
11	Bicester East Community Centre, Keble Road, Bicester, OX26 4TP	24/01933/DISC	Bicester East	Approval	Rebekah Morgan

*Subject to conditions

Cherwell District Council Democratic and Elections Team, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA

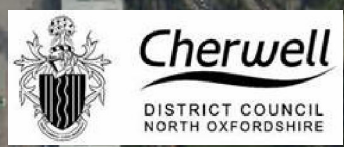
23/03307/OUT

Agenda Item 8

Former Piggery And Land North Of
Woodstock Road
Yarnton

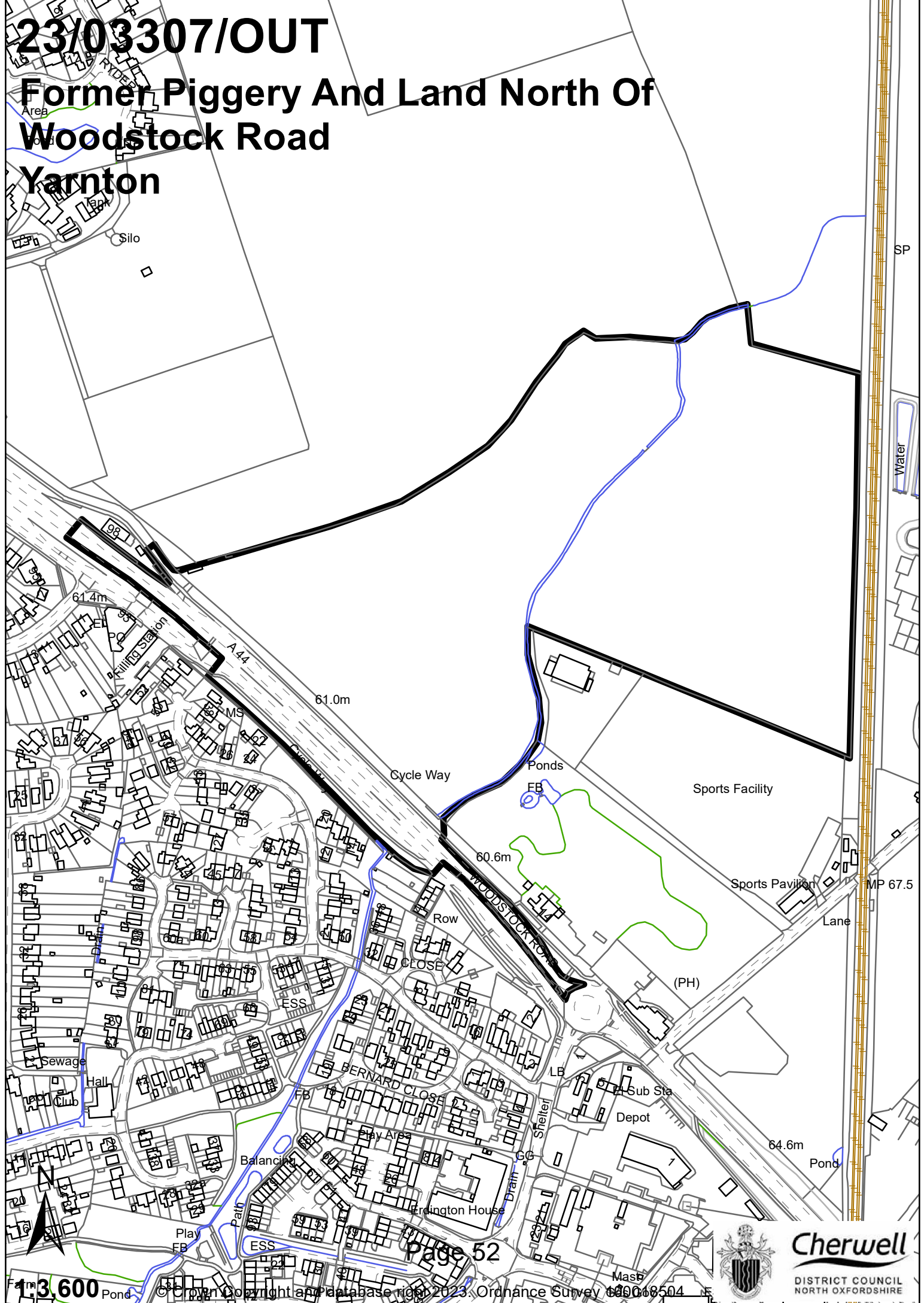


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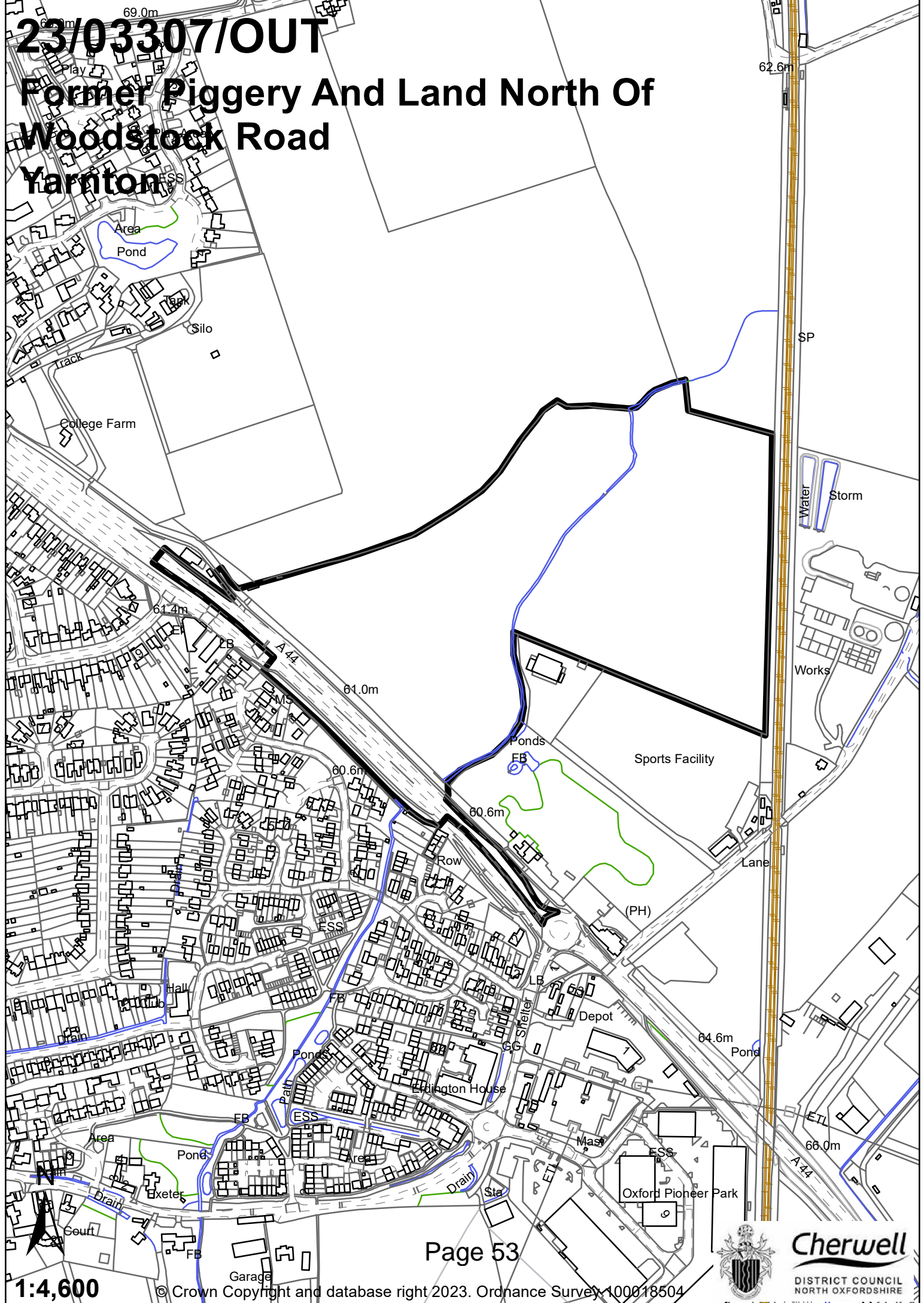
23/03307/OUT

Former Piggery And Land North Of Woodstock Road Yarnton



23/03307/OUT

Former Piggery And Land North Of Woodstock Road Yarnton



1:4,600



Case Officer: Andrew Thompson

Applicant: Hallam Land Management Limited, G Smith, K Fletche

Proposal: Outline planning application for the residential development of up to 300 dwellings with associated infrastructure and open space (outline) and new access off the A44 (detailed)

Ward: Kidlington West

Councillors: Councillor Conway, Councillor McClean, Councillor Walker

Reason for Referral: Major development

Expiry Date: 29 October 2024

Committee Date: 3 October 2024

This application was subject to a Committee Members Site Visit, which took place on 1 October 2024.

SUMMARY RECOMMENDATION: DELEGATE TO ASSISTANT DIRECTOR TO GRANT PERMISSION SUBJECT TO RESOLVING THE OBJECTION OF NETWORK RAIL AND THE ENVIRONMENT AGENCY AND SUBJECT TO CONDITIONS/AND A S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is the southern part of the allocation known as PR8 (Land East of the A44). The application area is 13.47 ha. It is located about 3 km to the north of Oxford, 1.7km from Kidlington to the east and 5km south of Woodstock. Access to the A34 at Peartree Interchange is 2 kms to the south.
- 1.2. The location of the site close to Oxford was a key element in the allocation of the site.
- 1.3. The Site is made up of agricultural fields separated by hedgerows. The eastern boundary is bound by the railway line, Littlemarsh playing fields and cricket ground to the south east and the A44 to the south west. The north is bound by further agricultural fields. Beyond the sports pitches is a residential property and Turnpike public house.
- 1.4. There is a petrol station on both the north and southbound A44. The north bound services offer a Budgens convenience store. There is a residential housing estate to the west of the A44, along with a village hall, doctors' surgery, pharmacy, public house, pre-school and take away within the estate.
- 1.5. The site is generally flat with a water course running through the centre which feeds into the Kingsbridge Brook to the south. There are a number of trees on the boundaries and one mature oak to the centre of the eastern part of the site.

2. CONSTRAINTS

- 2.1. The application site is the southern portion of the wider PR8 allocation.
- 2.2. The site is located outside of the conservation areas but the PR8 site does include the grade II Listed Building Begbroke Hill Farmhouse. Also, there are two Listed Buildings located to the south of the site, The Turnpike public house and Rose Cottage.
- 2.3. There are a number of protected species recorded in and around the site.
- 2.4. The site is located within Flood Zone 1. There is however a watercourse which runs along the southern boundary of the site which is classed as a main river for flooding categorisation purposes.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. As set out in the applicant's Planning Statement, the proposed development is for "Residential development of up to 300 dwellings with associated infrastructure and open space (outline) and new access off the A44 (detailed)."
- 3.2. The application is accompanied by a series of parameter plans, which define the extent of the development in respect of which permission is sought. These plans cover the disposition of land uses across the site, the blue and green infrastructure, the access and movement and building heights.
- 3.3. The Environmental Impact Assessment (EIA) work has used these parameter plans to fix the scale of development.
- 3.4. The built development amounts to circa 6.7 hectares of developable land excluding the primary street corridors and will accommodate up to 300 dwellings which equates to a density of 45 dwelling / ha.
- 3.5. The proposed housing mix will be 50% market dwellings for sale and 50% affordable dwellings (80% rented and the remaining 20% split between first homes and shared ownership).
- 3.6. The applicant sets out that the mix of the 300 dwellings across the site will be 15% one bedroomed units, 35% two bedroom units, 35% three bedroom units, and 15% four+ bedroomed units. The applicant sets out that this is broadly In line with the SHMA 2014 mix.
- 3.7. In addition to the built residential development there are significant areas of open space proposed which include:
 - A local park including a Local Equipped Area of Play (LEAP),
 - Community allotment and orchard,
 - A nature pond / wetland,
 - Amenity open space,
 - Significant areas of natural and semi-natural green space which integrate the existing watercourse, mature trees and hedgerows and their respective buffers to form enhanced green corridors and connections to the surrounding landscape context.
- 3.8. The open areas of the site extend in all to some 5.16ha.

- 3.9. The Access and Movement parameter plan demonstrates the location of the vehicular access point and the primary pedestrian/cycle route approximately at the centre of the site's frontage onto the A44. This will be in the form of a signalised junction.
- 3.10. Further secondary pedestrian/cycle accesses are provided at the westernmost and easternmost extents of the site's frontage with the A44, to connect to the cycleway along the A44.
- 3.11. All access routes will converge at the northernmost part of the site, where active travel routes will continue into the wider PR8 site, but vehicular traffic will be prohibited, other than for buses. A further access point into the wider PR8 site will be provided via a secondary street from the site's western boundary.
- 3.12. OCC's Street Design Guide outlines that when more than 150 dwellings are served off a single point of access, an emergency access point is required. In a cumulative scenario, where a connection is achieved to the wider PR8 site and therefore on to the northern PR8 access, this is not necessary.
- 3.13. However, if the proposed development comes forward on its own, an emergency access would be required. As shown on drawing 8190898/6105, this takes the form of a 3.0m footway/cycleway with removable bollards and exits onto the A44 via a vehicle crossover.
- 3.14. In the fullness of time, a pedestrian/cycle link over the railway line will be delivered by the wider PR8 site to provide a high-quality sustainable travel connection to Kidlington, as well as further pedestrian/cycle connections between the site and the A44, which will be demonstrated in greater detail at Reserved Matters stage and once the necessary agreements are in place between the wider PR8 site application and Network Rail to deliver it.
- 3.15. The Transport Assessment sets out the proposed access proposals for the HLM development and for which permission is sought (see drawing 8190898/6105).
- 3.16. The Transport Assessment also includes an upgraded junction design to accommodate traffic from other development in the area which includes a bus lane which can be delivered if OCC wish without altering the form of the junction in the HLM only scenario. This scheme is not sought permission as part of this application.
- 3.17. The building heights on the parameter plan have been derived from an assessment of landscape impact and the nature of the surrounding area. The development along the built up A44 corridor is proposed at up to 4 storeys, development then falls up to 3 storeys and up to 2 storeys as the development progresses eastwards.
- 3.18. *Timescales for Delivery*. The Environmental Statement advises that, in the event that planning permission is granted, it is anticipated development to take place over approximately 6 years but that this may be quicker depending on construction operations and activity.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

The application site

- 4.2. 21/00758/SCOP - Scoping Opinion - Up to 300 Residential Units, access from A44 and Open Space/infrastructure – Scoping Response Issued 30/07/2021

Other Parts of the Allocation:

- 4.3. 22/03763/SCOP - Scoping Opinion with respect to the scope and methodology of the Environmental Impact Assessment (EIA) in relation to re-development proposals of approximately 170 hectares (Ha) land at the existing Begbroke Science Park and surrounding land. The findings of the EIA will be reported in an Environmental Statement (ES) which will accompany the planning application. Scoping Response Issued 27/01/2023.
- 4.4. 23/02098/OUT – In summary - Outline application, with all matters reserved, for a multi-phased (severable), comprehensive residential-led mixed use development comprising: Up to 215,000 square metres gross external area of residential floorspace (or c.1,800 homes which depending on the housing mix could result in a higher or lower number of housing units), a local centre, and other development including up to 155,000 net additional square metres (gross external area) of flexible employment uses including research and development, office and workspace and associated uses (Use E(g)), industrial (Use Class B2) and storage (Use Class B8) in connection with the expansion of Begbroke Science Park and associated works. Resolution to Grant at 5 September committee subject to resolving Environment Agency and Network Rail objections with conditions and s106 Agreement to be agreed.
- 4.5. 24/00657/OUT – In Summary - Retention of existing garden centre and associated car parking, in a modified fashion. Outline application, with all matters reserved except for access, with retention of vehicular access from Sandy and creation of proposed new vehicular access from Begbroke Hill. Proposed 10no. two storey dwellings accessed from Sandy Lane. Proposed new day nursery and proposed 120no. units of retirement living accommodation in two to four storey development. Proposed car parking (including a decked solution), proposed landscaping, including public open space, and pedestrian and cycle links. Withdrawn.

Begbroke Science Park

- 4.6. 21/03195/F - Formation of surface car park and service building (including substation, sprinkler tanks and EV charging infrastructure). Granted 02/02/2022.
- 4.7. 21/03150/REM - Reserved Matters application for 18/00803/OUT - the design, layout, external appearance and landscaping (as required by OPP Condition 1). It also includes the information required by conditions 4, 5 and 21 of the OPP. Submitted scheme also accords with the requirements of conditions 6, 7, 8, 9 and 14 of the OPP. Approved 27 January 2022.
- 4.8. 18/00803/OUT - Outline planning permission, with all matters except for access reserved for subsequent approval, for up to 12,500m² of B1a / b / c and ancillary D1 floor space, retention of and improvements to the existing vehicular, public transport, pedestrian and cycle access including internal circulation routes; associated car parking including re-disposition of existing car parking; associated hard and soft landscape works; any necessary demolition (unknown at this stage); and associated drainage, infrastructure and ground re-modelling works. Granted 17th September 2018.

Network Rail - Level Crossing Closures:

- 4.9. 23/00524/SO - EIA Screening Request for Provision of a stepped footbridge at Yarnton Lane Level Crossing
 - Turning circles either side of Yarnton Lane Level Crossing

- Construction of highway from Green Lane (north of Level Crossing) to the A44
- Upgrade of part of Green Lane to provide a suitable vehicle diversion
- Alteration to an existing public footpath and closure of public highway – diversion of public footpath 420/4/10 to go over the footbridges and stopping up via TWAO to be submitted alongside the planning application
- Construction of ramped footbridge spanning east to west to the south of Sandy Lane Level Crossing
- Construction of turning circles to the east and west of Sandy Lane Level Crossing
- Construction of alternate Bridleway to the West of the Railway line, stopping up of permissive access via Tackley Station to Bridleway 379/2/10, removal of Temporary Traffic Regulation Order (TTRO) over Highway at Nethercote Road, Bridleway at Tackley station

No EIA Required - 13/03/2023.

- 4.10. 22/03054/SO - Request for an EIA Screening Opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, in respect of the proposed closure of Yarnton Lane level crossing and Sandy Lane level crossing as part of the Oxford Phase 2 Enhancement Works – No EIA Required - 27/10/2022

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. The allocation is relatively well known in the community; however, we would encourage you to continue to engage with the other developers and the wider community on the development. All three principal landownerships in the allocation need to be brought together to create a coherent development which seeks to be an exemplar and ensure uplift in design quality.
- 5.3. The development should be forward looking in its construction and environmental standards and a number of suggestions have been made in relation to the layout and parameter plans. It is recognised that the outline planning application will be supported by a range of documents and parameter plans.
- 5.4. It is important however that these support future design quality. Therefore, developer led coordination, development principles and other supporting documents are important. It is noted that community consultation has taken place, and more is planned.
- 5.5. The Council has commenced work on its Development Brief which is planned for consultation on its draft shortly and the applicant should engage with this process. Any variations away from what is shown in the Development Brief will need to be justified. This should also speed up the consideration of the application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised in accordance with the Council's Statement of Community Involvement by way of site notices displayed near the site on the A44 and by advertisement in the local newspaper. The final date for comments was **10**

January 2024, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. Rt Hon Layla Moran MP - I ask the committee to ensure that the comments made by the residents at 8 Stocks Tree Close, Thames Valley Police, BOBS/ICB and Thames Water are considered carefully. The resident of 8 Stocks Tree Close is rightly concerned that the development area could be prone to flooding. This concerns me as in recent weeks parts of my constituency have flooded in areas that had not flooded before. Thames water has no objection, however, given recent incidents of sewage outflowing across my constituency, I ask that this be looked at again.
- 6.3. I am conscious that the Kidlington & Yarnton areas have had a good deal of development and that residents are feeling the effects of this. Such development must ensure that there are services such as GP surgeries, additional school places and adequate roads in place before occupation. I ask the committee to look very carefully at this application.
- 6.4. 2 further objections have been received from local residents raising the following comments.
- Lack of sufficient infrastructure (i.e. sewage and flooding)
 - Flooding of local fields and Little Marsh Recreation Ground
 - GP surgery in Rutten Lane not open full time. Traffic congestion on Rutten Lane at peak times during rush hour and school drop off and pick up.
 - Hazardous parking on main roads including slip road off A44.
 - The local roads cannot manage as it is without the potential for another 300 cars from each proposed new property.
 - Anti-social behaviour including rubbish dumping and broken local amenities already present.
- 6.5. COUNCILLOR IAN MIDDLETON (As part of the OCC Consultation Response): Three areas of concern.
- Tree loss along the A44 in particular
 - Flooding and drainage (supporting the comments of Yarnton Parish Council/Flood Group)
 - Closure of the layby on the Northbound side of the A44 just outside the boundary of the development shown on the plan.
- 6.6. The comments received can be viewed in full on the Council's website, via the online Planning Register

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. YARNTON PARISH COUNCIL: **object**

1. No information about the cause and precise location of the 25 flood events recorded by Thames Water. How many would have impacted upon the site directly and how many were a combination of foul and surface water flooding or entirely due to being overwhelmed by surface water.
2. Thames Water have declared there to be sufficient capacity to accommodate 300 additional housing units. In previous discussions with Thames Water, they have stated that there was 20% spare capacity in the foul system which is currently been given over for flood relief. 300 units is a 20% increase on the size of the existing village - the entire spare capacity in the combined public sewer system – leaving the village with zero capacity for flood relief.
3. While the site may be entirely within Flood zone F1, it has not been established that the close proximity of the functional floodplain does not influence the water levels in the unnamed channel. What is the potential for water to back up from the floodplain into the local main river channels and reduce their capacity to protect the PR8 development site and the existing village from flash flooding.
4. The assessment talks about conveyance following the land topography with ponding in low points. We could not find reference to where the water in the current conveyance pathways would be stored and mitigated post development.
5. The report is not clear as to where surface and subsoil water displaced by the building footprints will be stored or mitigated. A Micro-drain output is contained in the report which seems to simply allow for direct rainfall from roofs and paved areas.
6. The scheme seems to rely upon the site having been classified entirely within flood zone F1 by simply interrogating the Environment Agency's flood zone mapping. However, it sits on the fringe of the functional floodplain which we believe has an impact upon the existing village and reaches into PR8. Zone F1 map shows the administrative limits of the flood zone and not necessarily its hydrological limits.
7. We remain concerned that the displaced water from the building footprints and raised ground levels will not be fully compensated onsite which will move water west of the A44 into areas that are already at risk. The report does not give assurance that this will not be the case.
8. Dry access is not guaranteed by Zone 1. The existing village is similarly wholly within Zone 1, but some properties have been seen to be affected by exterior flooding impeding pedestrian access on occasions which are becoming more frequent.
9. The scheme contains three SUDS ponds and a wet pond. We assume the wet pond will be fed by groundwater, whereas the SUDS ponds are to be lined to exclude groundwater. The report does not appear to give details about the River Thames floodplain levels (when in flood) in relation to the minimum invert levels AOD for the ponds. The aim should be to prevent them from simply becoming off-line storage www.yarnton-pc.org.uk for water backing up from the Thames floodplain. A phenomenon we suspect already happens on the Hayday Close development.
10. The larger part of the surface water leaving PR9 joins that from PR8 at the confluence adjacent to the highway culvert headwall west of the A44 which is in the village. The flow through the culverts meets at ninety degrees. We imagine that this will have a significant impact upon the hydraulic efficiency at the confluence raising water-levels upstream, both towards PR9, in the village and into the application site.
11. Thames Water are referred to as the adoption body. The report is not clear whether they will become responsible for surface water systems and foul water. They have

generally declined to agree to adopt SUDS. Who will be left with responsibility for maintaining the “Main River” un-named watercourse.

CONSULTEES

- 7.3. OCC HIGHWAYS: No objection subject to contributions and conditions. Should planning permission be granted recommend s106 contributions and planning conditions. This application covers part of the PR8 allocated site. This response follows that for the application by OUD on a much larger portion of the PR8 site, ref 23/02098/OUT. That application was presented to the Planning Committee on 05 September 2024. We understand that Cherwell District Council officers seek to present this application to Planning Committee shortly and have therefore prioritised sending this updated response which is consistent with our response on the OUD application.
- 7.4. CROSSCOUNTRY: Object have been working closely with Network Rail and other passenger and freight operating companies on schemes to close both Sandy Lane and Yarnton crossings, but a lack of funding has so far resulted in both crossings remaining open for use. Given the scale of the planning application, we would urge the developers to work with Network Rail to find an alternative solution to the crossings, be it road bridge or underpass in order that the level crossings can be closed and a safer method of crossing the railway lines at these locations implemented.
- 7.5. NETWORK RAIL: Object. Whilst work and documentation has been discussed with the applicant Network Rail’s objection to the above proposals on the basis the proposed development will cause additional risk to safety at Sandy Lane and Yarnton Lane Level Crossings. Network Rail is a statutory undertaker responsible for maintaining and operating the country’s railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail’s infrastructure. The level crossings known as Sandy Lane and Yarnton Lane are both Public Highway Automatic Half Barrier crossings located adjacent to the development site with a PROW that joins Yarnton Lane and Sandy Lane. At present, there is no provision in place to close the crossings however we are looking to obtain consent for this through the submission of a Transport Works Act Order (TWAo) to facilitate the closure of the crossings aligned with our Minimum Viable Product (MVP) bridge. We would also note that the design of the bridge has not yet been finalised.
- 7.6. STRATEGIC HOUSING: support this proposal in principle, subject to a detailed affordable housing mix being agreed, including details of the accessible & adaptable provision and accommodation suitable for wheelchair users. The indicative mix set out above is based on the percentage range in policy PR2 and also reflects current priority needs identified on OCC housing register.
- 7.7. ENVIRONMENT AGENCY: Object for four reasons:

Objection 1 – In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Objection 2 – The proposed development would pose an unacceptable risk of pollution to surface water quality and recommend that planning permission should be refused on this basis and the capacity of Oxford Sewerage Treatment Works

Objection 3 – The application includes culverting the un-named internal ditch/watercourse (classified as main river) that runs in a southerly direction through the middle of the site. In addition to this, the plans show two further external crossings over the ditch at the northwestern boundary of the site. This would have a damaging impact on conservation of the watercourse and of the wildlife using it and its associated riparian corridor. The applicant has not included the details of the intended crossings (nor provided an ecological assessment that addresses the impact of crossings) and we therefore cannot determine the impact of this on the water environment.

Objection 4 - The proposed development, due to its impacts on nature conservation and physical habitats, and as there is an inadequate buffer zone to the watercourse. The submitted planning application and associated documents indicate that a development buffer zone of only 3-metres has been allocated from the watercourse. Development that encroaches on watercourses can have a severe impact on their ecological value. A 3-metre buffer zone is not sufficient to safeguard the conservation of the watercourse and the wildlife using it and its associated riparian corridor.

- 7.8. THAMES WATER: There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.
Water Comments

On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 7.9. NATURAL ENGLAND: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted.
- 7.10. OCC PUBLIC HEALTH: We have now reviewed the amended Health Impact Assessment (HIA) submitted in June 2024. We note the provision of a separate Planning Statement, although this needs to be updated to reflect the latest Census 2021 data which is now widely available. Similarly, within the amended HIA, Census 2021 data should be used for the Accessibility and Active Travel section of Chapter 3. All other Census references appear to be up to date in the latest HIA. The revised HIA now contains a much broader and more granular set of baseline data for the study area which is welcomed. These include ethnic group, deprivation, disability, as well as an identification of population groups likely to be affected by the proposed

development. The health baseline also identifies the presence of an ageing population and worse than average scorings for Year 6 obesity as well as emergency hospital admissions. This is also presented in tabular form in Appendix 1 at the end of the HIA.

- 7.11. LEAD LOCAL FLOOD AUTHORITY: No Objections subject to Conditions.
- 7.12. OCC ARCHAEOLOGY: The site has been subject to a previous archaeological evaluation, which recorded no significant archaeological remains. However, the site lies immediately south of an area of dense Romano British settlement which has been recently recorded via geophysical survey and trial trenching. During the pre-application discussion for this development, we agreed with the archaeological consultant working on behalf of the applicant, that a small number of trial trenches will be excavated along the northern boundary of the site to confirm that no Romano British remains continue into the development area. The archaeological background of the site has been outlined in the submitted Archaeological and Heritage Assessment (EDP 2023). The Phase 2 further trenching has now been carried out, and the approved report submitted with this application (Cotswold Archaeology 2024). These trenches did not record any archaeological features, suggesting that the Romano British settlement to the north does not continue into this application site. No further archaeological constraints are required.
- 7.13. ACTIVE TRAVEL ENGLAND: Recommend Deferral - ATE note revisions have been made to the submission documents which have been explained within a 'Covering Letter to Consultation Responses' and an 'Applicant Response to Active Travel England comments.' ATE thanks the applicant for the time taken to prepare these revisions and direct response to ATE. Overall, it is felt the amendments represent a significant improvement. However, there do remain some areas of concern, therefore a deferral response is maintained. Further context for this decision has been provided below covering the four areas of concern originally identified.
- 7.14. CDC ECOLOGY: The Biodiversity Improvement and Management Plan (BIMP) provides an overview of measures required to safeguard protected species and habitats across the site including precautionary works, ecological supervision (where required), and pre-commencement surveys for water vole and badger (and licencing requirements for these species if surveys indicate an impact is likely). It should be noted that updated surveys may be required with any reserved matters applications if enough time has passed since the surveys were undertaken. Recommendation to conditions is required.
- 7.15. SPORT ENGLAND: No objections to the granting of planning permission for the proposed development subject to level of contributions identified by CDC going towards formal sport.
- 7.16. OCC STRATEGIC PLANNING: We support the proposal for 50% affordable housing and understand that Oxford City Council will be involved in housing nominations, given that this is a site allocated for Oxford's unmet need. We have not provided any comments about affordable extra care housing on this application. The general position can be seen in our response on the OUD application 23/02098/OUT. The County Council is currently relying on other sites to provide for the future affordable extra care housing need in the area. The County Council is currently updating its evidence on need, but that is not complete at this point in time.
- 7.17. OXFORDSHIRE COUNTY COUNCIL'S INNOVATION SERVICE (IHUB): responded on the Oxford University Developments application 23/02098/OUT on the adjoining part of the PR8 allocation noting the requirement for an Innovation Plan. Such a Plan has now been produced. We have not found a suitable or corresponding Innovation Plan amongst the 23/03307/OUT application documents. Given this omission, we

have an objection. It would be good if the applicant is able to work with the adjoining landowner, Oxford University Developments, on a joint approach to innovation. We are willing to work with the applicant and review an Innovation Plan once produced.

- 7.18. OCC EDUCATION: No objection subject to s106 contributions
- 7.19. OCC MINERALS AND WASTE: The proposed outline application consists of the erection of around 300 homes with associated open space and green infrastructure and access from the A44. The proposal adjoins a former sewage treatment works (STW) and therefore the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (OMWCS) is relevant. This outline application proposes 300 residential housing which would not be compatible with STW or other waste facilities on this site which is under 50m to the east. The applicant should consider including a suitable buffer and landscaping into the proposal to protect the proposed housing from the effects of any future waste use on the former sewage treatment works site.
- 7.20. OCC ADULT DAY CARE: No objection subject to: S106 contributions (however no contribution is detailed).
- 7.21. OCC WASTE AND MANAGEMENT: No objection subject to S106 contributions
- 7.22. OCC LIBRARY SERVICES: No objection subject to: S106 contributions
- 7.23. OCC ARCHAEOLOGICAL ARCHIVES: No objection from the Heritage Service, subject to S106 contributions.
- 7.24. THAMES VALLEY POLICE: Seeks a contribution of £50,976 towards Policing and also raises objection to the detail of the illustrative masterplan and Design and Access Statement, in particular the approach to parking.
- 7.25. BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE INTEGRATED CARE BOARD: Seeks contributions of 259,200.00 towards Key Medical Centre.
- 7.26. RECREATION AND LEISURE: Seek contributions towards indoor and outdoor sport, contributions towards community hall facilities and support for delivery of these through community workers and development funds.
- 7.27. ENVIRONMENTAL PROTECTION:

General: Having read the CEMP, the working hours should match those published for on Cherwell District Council's website. Apart from this I am satisfied with the CEMP as presented.

Noise: Having read the Noise chapter of the ES I am satisfied the contents and agree with the recommendations and conclusions.

Contaminated Land: Having read the Contaminated Land Chapter of the ES I am satisfied the contents and agree with the recommendations and conclusions.

Air Quality: Having read the Air Quality chapter of the ES I am satisfied the contents and agree with the recommendations and conclusions.

Odour: No comments

Light: Having read the Light chapter of the ES I am satisfied the contents and agree with the recommendations and conclusions.

7.28. BUILDING REGULATIONS: The proposed development will require Building Regulations applications.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

8.3. CHERWELL LOCAL PLAN 2011 - 2031 (PART1) PARTIAL REVIEW - OXFORD’S UNMET HOUSING NEED

- PR1: Achieving Sustainable Development for Oxford’s Needs
- PR2: Housing Mix, Tenure and Size
- PR3: The Oxford Green Belt
- PR4a: Sustainable Transport
- PR4b: Kidlington Centre
- PR5: Green Infrastructure
- PR8 - Land East of the A44
- PR11 - Infrastructure Delivery
- PR12a - Delivering Sites and Maintaining Housing Supply

8.4. CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE2: Securing Dynamic Town Centres
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC7: Meeting Education Needs
- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision - Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD8: Water Resources
- ESD9: Protection of the Oxford Meadows SAC
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD12: Cotswolds Area of Outstanding Natural Beauty (AONB)

- ESD13: Local Landscape Protection and Enhancement
- ESD14: Oxford Green Belt
- ESD15: The Character of the Built and Historic Environment
- ESD16: The Oxford Canal
- ESD17: Green Infrastructure
- Kidlington 2: Strengthening Kidlington Village Centre
- INF1: Infrastructure

8.5. CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- GB2 – Outdoor Recreation in the Green Belt
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads.
- TR8 - Commercial facilities for the motorist
- TR10 - Heavy Goods vehicles
- TR11 - Oxford Canal
- TR22 - Reservation of land for road schemes in the countryside
- C5 - Protection of ecological value and rural character of specified features of value in the District
- C15 – Prevention of coalescence of settlements
- C18 – Development proposals affecting listed buildings.
- C21 – Proposals for re-use of a listed building
- C23 – Retention of features contributing to character or appearance of a conservation area.
- C28 – Layout, design and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal
- C30 – Design control
- C32 – Provision of facilities for disabled people
- C38 – Satellite dishes in conservation areas and on listed buildings
- C39 – Telecommunication masts and structures
- ENV1 – Development likely to cause detrimental levels of pollution.
- ENV2 – Redevelopment of sites causing serious detriment to local amenity.

OXFORDSHIRE MINERALS AND WASTE LOCAL PLAN PART 1 – CORE STRATEGY (OMWCS)

- Policy W11 concerns Safeguarding waste management sites.

8.6. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Model Design Code
- The Levelling Up and Regeneration Act
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development

- The Draft Agreed Development Brief
- The Outline Illustrative Masterplan, the Parameter Plans and Design and Access Statement
- Housing
- Flooding and Drainage
- Sandy Lane and other crossings
- Access and Highways (Other than Railway related infrastructure)
- Heritage impact
- Ecology impact
-

Principle of Development

Policy Context

- 9.2. The original allocation of the site, as set out in the sustainability appraisal of the Partial Review, was to provide new residential development that included:
1. Proximity to Oxford, the existing availability of public transport and the opportunity to maximise the use of sustainable and affordable transport in accessing Oxford's key employment areas and services and facilities.
 2. Opportunity to achieve an overall, proportionate reduction in reliance on the private motor vehicle in accessing Oxford's key employment areas and services and facilities and to achieve further investment in sustainable transport infrastructure.
 3. Deliverability of sustainable transport improvements in comparison to other Areas of Search.
 4. Relationship of existing communities to Oxford.
 5. Existing economic relationship between the Areas of Search and Oxford
 6. Opportunity to provide affordable homes to meet Oxford's identified need close to the source of that need.
- 9.3. It should be noted that the Development Plan is within the first five years of adoption. The NPPF seeks to ensure that Development Plan is given appropriate time to be implemented and further as a large-scale development (Paragraph 74 of the Framework) there is support and recognition that the proposals will have lead in times for infrastructure. Whilst there have not been any completions across the PR Sites there have been a number of resolutions to grant towards the end of 2023 which are progressing towards a decision with the preparation of the associated s106 Agreements.
- 9.4. It is noted that the importance of delivery of large scale is kept under review and updated as part of the Local Plan Review, but it is not for planning application to amend or update the Development Plan.
- 9.5. The proposals are therefore within the allocation and do not propose to encroach into the Green Belt. The proposals (recreation, agriculture and other development to the north of the site (around Rowel Brook) and to the east of the Railway would be appropriate development in the Green Belt.
- 9.6. Whilst the applicant indicates that delivery would be beyond the plan period (2031). This is due to the delays following the legal challenge to the Partial Review and the confirmation of the highway model, in addition to the scale and size of the

development. It is noted that the Local Plan Review (to 2040) is currently in preparation and is planned to continue to progress to adoption with a review of the current allocations however there is no expectation that the allocation would be removed. In accordance with Paragraph 74 (and the associated footnote 39) of the NPPF it is expected that the Local Plan would update and review the policy in light of progress on the allocations and the Partial Review sites, not a planning application, and whilst there is a recognition of delays there is no requirement to consider that the scheme could not or would not meet the original requirements of the Development Plan.

- 9.7. As set out by the Inspector in the PR9 appeal, there was considerable and significant evidence presented at the preparation and examination of the Development Plan which was subject to an unsuccessful challenge and there is no reason to suggest that this could not or should not be relied upon in the determination of this application.
- 9.8. The comments of the County Council Minerals and Waste team are noted. The allocation of PR8 site in 2020 took account of the 2017 Core Strategy. The proposed submission does not encroach or go beyond the allocation. As an allocation of housing which has been through examination and proved to be sound it will be for the Part 2 (Site Allocations Document) which started work in late 2022 to take into account the allocation of PR8 and ensure that the allocation is not impacted. The proposed buffer zones of 50m by Oxfordshire County Council are noted but would not be compatible with the proposed allocation.
- 9.9. The proposals are therefore in accordance with the principle of Policy PR8 of the Partial Review.

The Draft Agreed Development Brief

- 9.10. In accordance with Parts 17 and 18 of the Adopted Policy the Council has prepared a Development Brief which was consulted on for four weeks (22 November to 20 December 2023) with a further consultation in February 2024. Planning Committee approved the draft Development Brief subject to further consultation and amendments on 21 March 2024. That further consultation was delayed by local and general elections, but a further consultation was undertaken between 22 July and 9 August 2024. The Development Brief is still being updated with the further changes arising from the earlier consultation. There is delegated authority to complete and adopt the Development Brief as a guidance document.
- 9.11. Whilst the Development Brief is a material consideration, it should not be considered to be determinative in the consideration of this application.
- 9.12. The Development Brief is guidance, the content of the Development Brief relies on the Adopted Policy and does not take account of the application submission, and the evidence presented by the applicant (e.g. site specific flood risk assessment and transport assessments).
- 9.13. The Development Brief is therefore noted as guidance with further work to complete the final version of the draft. There are variances between the submitted masterplan and the Development Brief and these will be assessed through this appraisal.
- 9.14. In time, the application and the associated design work from the evidence base of the application will take over the Development Brief as this will be more precise and reflective of the site constraints and opportunities.

The Outline Illustrative Masterplan, the Parameter Plans and Design and Access Statement

- 9.15. The application is in outline with all matters Reserved. Other points of access and accesses around the site would be considered as part of the Reserved Matters.
- 9.16. In accordance with the principles of the “Rochdale Envelope” which is an approach employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) at the time when the application is submitted. This application is submitted with various documents and plans, as summarised above, and flexibility is sought to address uncertainty.
- 9.17. The assessment should be based on cautious ‘worst case’ approach which will then feed through into the mitigation measures envisaged. It is important that these should be adequate to deal with the worst case, in order to optimise the effects of the development on the environment.
- 9.18. The level of information required should be sufficient information to enable ‘the main,’ or the ‘likely significant’ effects on the environment to be assessed and the mitigation measures to be described.
- 9.19. In terms of the approach to flexibility it will be for the Authority responsible for issuing the development consent to decide whether it is satisfied, given the nature of the project in question, that it has ‘full knowledge’ of its likely significant effects on the environment. If it considers that an unnecessary degree of flexibility, and hence uncertainty as to the likely significant environmental effects, has been incorporated into the description of the development, then it can require more detail, or refuse consent.
- 9.20. The comments of the Police to the Illustrative Masterplan have been noted and reviewed however much of this is related to detailed layout considerations which are not relevant at this stage. Further detailed designs will need to assess and review these comments.
- 9.21. As stated above the application is supported by appropriate information which sets out the principles of the development and the aims of the outline planning permission.

Housing

- 9.22. Policy PR8 sets out that the provision of 50% of the homes as affordable housing as defined by the National Planning Policy Framework is a key development requirement. The comments of the Council’s Housing Team which are submitted in conjunction with the City Council’s Housing Team are noted.
- 9.23. Policy PR2 sets out five criteria for Housing Mix, Tenure and Size. These are.
- That all housing to be provided as self-contained dwellings (use class C3) only.
 - Provision of 80% of the affordable housing (as defined by the NPPF) as affordable rent/social rented dwellings and 20% as other forms of intermediate affordable homes.
 - Delivery of an appropriate housing mix.
 - Delivery of a mix of sizes of market homes to meet current and future needs and to create socially mixed and inclusive communities.
 - Provision for key workers as part of both the affordable and market housing mix.

- 9.24. The application sets out to deliver up to 300 high-quality bespoke designed new homes including 50% affordable housing. The application, unlike the other part of the allocation proposes to comply with both the requirements of Policy PR2 and PR8 with the provision matching.
- 9.25. As the application sets out to deliver housing in accordance with Policy and as such would be considered to be acceptable.

Flooding and Drainage

- 9.26. The developable part of the scheme would occupy the area is in Flood Zone 1 in respect of fluvial flood risk, and neither Oxfordshire County Council as the Lead Local Flood Authority nor the Cherwell District Council Drainage Team have objected to the proposal. There is no development proposed within areas of the site which would be within Flood Zone 2 or 3. The flood risk assessment and drainage strategy has identified a number of localised areas throughout the site that are at medium to high risk of potential surface water flooding. Yarnton Parish Council and its related group the Yarnton Flood Defence Group have recorded frequent flood events in the village, which have been attributed by the Parish Council to surface water runoff from Spring Hill, groundwater, development and road infrastructure, and limited capacity in existing watercourses. Since the scheme would discharge to on-site watercourses and the flow would then pass through and around Yarnton by means of existing watercourses, the Parish Council is concerned about the implications of the scheme for flooding.
- 9.27. The surface water drainage system within the development area of the site would be managed to a standard that would limit discharge. This would be achieved by cutoff ditches and water storage and flow attenuation measures. These measures are set out in the submission documents. Discharge from the system would not exceed this flow rate even in significantly wetter events, up to a maximum of a 1:100 plus climate change event.
- 9.28. The result would be that, leaving aside relatively commonplace runoff events, the surface water drainage proposals would provide protection for the proposed development against all but the most extreme events and, in doing so, would provide more effective attenuation of the flows from the site into the village. The scheme would not make matters worse elsewhere, thus complying with national policy as set out in NPPF paragraph 173, and it would represent an improvement over the existing situation.
- 9.29. As stated in the PR9 appeal, it would be inappropriate to expect this development on its own, or in conjunction with other developments, to provide a comprehensive solution to surface water management in Yarnton itself. The scheme itself would improve matters, so such an approach would go beyond what is necessary for the development to go ahead. A Grampian condition under which development could not occur until a flood risk strategy for the village had been carried out, would not be fairly and reasonably related to the development. Flood surveying and remediation proposals are matters for the County Council as Lead Local Flood Authority, and such a condition would delay to an unknown date the much needed provision of new homes on this allocated site pending a strategy to which there is no official commitment.
- 9.30. The flood risk assessment was based on modelling as well as on-site investigation; Yarnton Parish Council and some commentators and respondees argue that the modelling may not have taken sufficient account of actual on-site conditions such as the potential for groundwater to interfere with surface water storage facilities.

- 9.31. The Environment Agency relates to specific matters in the proposed detail of the Flood Risk Assessment and easement to the existing main river and culverting of this as part of the mitigation. It is expected that this detail can be overcome, and appropriate detail can be conditioned.
- 9.32. To ensure that surface water management in practice meets the design requirements described above, a condition is attached to this permission requiring the implementation (and subsequent management) of detailed phase by phase surface water management schemes. A separate condition requires the recording of the implementation of the drainage and SUDS works for each phase.
- 9.33. Discussions between the applicant, Environment Agency and Thames Water have occurred. This would avoid discharging into the existing foul sewer network in Yarnton and Begbroke. A condition is attached which links the occupation of the development to the completion of the relevant infrastructure, but the final condition wording will need to be agreed with the Environment Agency and Thames Water in a similar manner to other sites.
- 9.34. In conclusion, subject to appropriate conditions, the scheme would be acceptable as regards flood risk to prospective occupiers, and it would ameliorate rather than worsen conditions elsewhere. It would also be acceptable in terms of foul water drainage. It would accord with NPPF policy on planning and flood risk and would comply with requirements of Local Plan Policy PR8.

Sandy Lane and other crossings

- 9.35. Policy PR8 identifies that in consultation with Oxfordshire County Council and Network Rail, proposals for the closure/un-adoption of Sandy Lane, the closure of the Sandy Lane level crossing to motor vehicles (other than for direct access to existing properties on Sandy Lane), and the use of Sandy Lane as a 'green' pedestrian, cycle and wheelchair route between the development and the built-up area of Kidlington including the incorporation of a bridge or subway should be achieved.
- 9.36. The proposals are also supported in infrastructure requirements for bridges and cycling in Appendix 4 (Part 17 and 17a) of the Local Plan Infrastructure Delivery Plan.
- 9.37. The motion of the Council in July 2023 has been carefully considered and discussed with the applicant, Network Rail and the County Council in active discussions over the course of pre-application and application stages. Meetings with Councillors and Network Rail have also occurred.
- 9.38. The principal element of Network Rail's proposed Oxford Improvement works was to increase the level of freight capacity across the network and therefore reduce carbon emissions through this initiative. The level of increase in freight travel, as a result of Covid and external factors, has not raised as high as previously anticipated.
- 9.39. As a result, the need for further capacity has not been forthcoming in the current Network Rail period (2024-2029). It is expected that further capacity will be needed later in the development delivery but in this period, Network Rail have confirmed they do not intend to pursue changes to Sandy Lane directly. Network Rail therefore suggest that whilst there is likely to be an adverse impact from the development to the Sandy Lane crossing, that it is for others (e.g. the County Council) to close Sandy Lane to vehicular traffic through their powers and for this to be funded by the developer.
- 9.40. Funding for a bridge or closure from Network Rail/DfT has therefore not been made available especially as other parts of the project (e.g. Botley Road) has increased in

cost. This does not mean that future funding periods would not provide funding and further it is noted that since this time there has been a change in Government with the new Government being keen to promote growth in particular unlocking housing projects.

- 9.41. Sandy Lane crossing and the railway line will however be impacted on by the proposed development, however it is anticipated that a level of development could be delivered without an impact on Sandy Lane.
- 9.42. The implementation of mitigation measures and timing has been progressed and discussed and it will be capable to implement some level of development prior to the implementation of mitigation measures (i.e. closure of the crossing to Sandy Lane). Closure of Yarnton Lane will also be later in the development (as it is outside the allocation and has limited movement) and as this route will be more attractive and direct this will lower the level of movement expected across Roundham Lock.
- 9.43. As highlighted in the report and written updates to 5 September committee, there has been detailed discussion and the evidence prepared by Network Rail includes a study of Sandy Lane and Yarnton Lane level crossings in order to understand the traffic flow that would be generated by the PR8 development where no mitigation is provided over either of the level crossings. The report sets out the existing traffic flows for vehicles, pedestrians and cyclists. This is followed by a forecast of traffic flows up until 2033 should the development take place. This was done because traffic studies provide within the application were undertaken with Sandy Lane being closed to vehicles. The Waterman report also provides a count on a year by year basis based on various assumptions. This could be used to understand at what point mitigation should be in place.
- 9.44. It should be noted however that the evidence presented by Network Rail is still subject to testing and discussion and therefore requires continued discussion.
- 9.45. In respect of the station/railway halt, given Network Rail's current position it is considered that funding will not be made available until later phases. Some funds have been requested by the County to explore and support the feasibility and delivery work at a later stage.
- 9.46. At the current time, whilst not 100% safe, there is no case to close Sandy Lane or other crossings on safety grounds as Network Rail have not progressed their Transport and Works Act Order. Considering early works could be delivered with minimal impact to Sandy Lane, there would be no reason not to progress some development on the site. However, the precise mechanisms and timing of mitigation and how this can be phased alongside the development delivery have yet to be agreed.
- 9.47. The County Council have agreed to progress a Traffic Regulation Order in order to progress matters and delivery of mitigation measures (e.g. a pedestrian/cycle bridge), emergency access for properties to the east of the railway and management of other crossings is undertaken. Network Rail have yet to agree this package.
- 9.48. At this time c.2200 movements take place across Sandy Lane crossing; this would increase significantly with development of the allocation if vehicle crossing was maintained. Options for a vehicle bridge have taken place however the required likely scale of the bridge, having regard to the amount of traffic anticipated from the development and other road users would potential adversely affect nature conservation aims resulting in an adverse impact on Rushy Meadows SSSI, green belt aims and potentially also impact on the weight-limited listed canal bridges. Further

the impact would also affect air quality from queuing and be contrary to the aims of policy which seek to reduce the need for travel.

- 9.49. It is the view of officers and the County Council that with the upgrading of A44, A4260 and improved public transport offer that alternative routes to travel by car exist with limited, if any, increase in journey times.
- 9.50. Discussions continue with Network Rail and County Council to ensure that the appropriate mitigation, triggers and timing for the mitigation and closure of the crossing is built into the s106, should any conditions be considered necessary then these too could be added. At this time until the matter is resolved these are not however listed in the Heads of Terms at Appendix 1.

Access and Highways (Other than Railway related infrastructure)

- 9.51. The proposals, as shown on the proposed access and movement parameter plan would utilise the Site would be accessed from the A44. The parameter plans show the potential connections to the wider OUD site along the northern boundary which includes a vehicle link. This would be in accordance with the aims of Policy PR8 and the evidence of the Local Plan.
- 9.52. Access roads and routes within and through the site are reserved for subsequent determination through Reserved Matters. The layout and design of these routes is indicated on Access and Movement Parameter Plans, and relevant considerations have been set out within the Design and Access Statement. Future Reserved Matters applications would need to demonstrate compliance with the Controlling Documents.
- 9.53. Residential car parking will also be a matter of future detail and appropriate and electric vehicle charging will also be required. Where possible, residential on-street parking should be clustered to allow for living streets.
- 9.54. Cycle parking shall be distributed across the Site to encourage the uptake of cycling. Further the Green Routes would add support to infrastructure as wide green corridors that bisect residential and commercial development to link them to larger open spaces. They will be used for delivering high quality non-vehicular routes.
- 9.55. In addition, there would be connections through the site in connecting the site to Kidlington. Off-site highway works to connect the site to Yarnton and Begbroke (for example crossing to the A44) would be for the County Council to deliver and appropriate clauses for s278s will form part of the detailed drafting of the s106, as per the PR9 appeal. It is not necessary for conditions to be added to secure access from the A44 or off-site highway works.
- 9.56. Overall, the proposals present a basis for determination that would integrate and connect to the wider area and create significant opportunities for connections and enhancement to public rights of way and alternative modes of transport within the development proposals. As such the proposals are in accordance with Policy PR8 and provides a suitable basis for detailed submissions.

Heritage Impact

Legislative and policy context

- 9.57. The site contains no heritage assets. To the east of the application site is Oxford Canal Conservation Area and two listed structures (bridges). There are a number of other listed buildings in the area including Tudor Cottage (Woodstock Road), Rose

Cottage (Woodstock Road) and The Grapes Inn. On the opposite side of the A44 there are a number of listed buildings and structures around St Michaels Church, Begbroke.

- 9.58. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 9.59. Likewise Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.60. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Built Heritage

- 9.61. The built heritage elements of the site and the surrounding area are significant features which contribute to the significance of the area. In respect of the Conservation Area the Conservation Area Appraisal is noted however this was written prior to the allocation of the site in the Partial Review Local Plan. Nonetheless the proposals would have limited impact on the setting and character of the Conservation Area or heritage assets due to the retention of the Green Belt on the eastern side of the railway line.
- 9.62. The impacts on other heritage assets in the area would also be limited due to the intervening distance and the limited impacts on their setting from the development proposals. Further in following the principals of the Development Plan in terms of the extent of built form, the proposals would not depart from the tested evidence of the Local Plan.
- 9.63. As such the proposals would preserve or potentially enhance the setting of the designated heritage assets in the application site, adjacent to the application site and in the vicinity, any harm would be less than substantial and would be outweighed by the benefits of the delivery of housing and the allocation. As such in the consideration of built heritage, the proposals would be in accordance with the requirements of the Development Plan, the aims of the Development Brief, as guidance, and national policy aims and objectives.

Archaeology

- 9.64. The archaeological potential of the site has been considered in a detailed investigations across the site. The site has been subject to a previous archaeological evaluation, which recorded no significant archaeological remains. However, the site lies immediately south of an area of dense Romano British settlement which has been

recently recorded via geophysical survey and trial trenching. During the pre-application discussion for this development, we agreed with the archaeological consultant working on behalf of the applicant, that a small number of trial trenches will be excavated along the northern boundary of the site to confirm that no Romano British remains continue into the development area.

- 9.65. The archaeological background of the site has been outlined in the submitted Archaeological and Heritage Assessment (EDP 2023). The Phase 2 further trenching has now been carried out, and the approved report submitted with this application (Cotswold Archaeology 2024). These trenches did not record any archaeological features, suggesting that the Romano British settlement to the north does not continue into this application site. No further archaeological constraints are required.

Conclusion on Heritage Matters

- 9.66. Overall, the proposals would have less than substantial harm to heritage assets which could be mitigated by appropriate design (in respect of built heritage) and recording and management through the construction process and through appropriate conditions and management of the construction process.
- 9.67. The proposals would therefore be in accordance with the requirements of the Development Plan, legislation and the aims and objectives of National Planning Policy Framework.

Ecology Impact

- 9.68. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.69. The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.70. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.71. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.72. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

- 9.73. Biodiversity net gain is an important requirement. It is now a legislative requirement although this site is exempt from this statutory requirement as it was submitted prior to the 12 February 2024. Nevertheless, Policy ESD10 seeks biodiversity net gain and for some time the Council has been targeting a minimum of a 10% net gain.
- 9.74. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

S106 Contributions

- 9.75. In terms of on site delivery, road enhancements to the A44 as the principal access the proposals would deliver on site sport and recreation including formal play and allotments.
- 9.76. Contributions are also sought towards school delivery which would also be on the other PR8 site under OUD's proposals and the indoor sport contribution would be to support sports hall delivery and community sport. Surpluses would be managed to deliver other sport in the local area.
- 9.77. Formal sport contributions would be provided to support enhancements in accordance with policy and potential enhancements to off-site works.
- 9.78. County Council contributions towards the mobility hub, public transport and other highway works are also sought. Further contributions towards household waste, library services are also sought.
- 9.79. In light of the withdrawal of funding from Network Rail it is noted that the cost of supplying the bridge and mitigation (i.e. alterations to the crossing, signalling) to Sandy Lane would be in the region of £4-6m, and proportionate contributions would be sought.
- 9.80. There would also be proportionate contributions towards canal infrastructure and the bridge across to PR7b (under reference: 22/01611/OUT)
- 9.81. Off-site highway works and contributions towards s278 works are also sought alongside the canal towpath improvements.
- 9.82. There are also contributions sought towards health centre provision in Kidlington has been set out and requested by the NHS and contributions towards Police have also been sought.
- 9.83. All contributions have been considered against the requirements of the CIL Regulations and the tests at Regulation 122. Regard has also been paid to the conclusions of the Inspector in determining the PR9 appeal who did not support various contributions sought and therefore those are also not pursued in this case.
- 9.84. Environmental Impact Assessment
- 9.85. The application is accompanied by an Environmental Statement (ES). The ES covers Access and Transport, Ecology and Biodiversity Net Gain, Landscape and Visual Impact, Contamination, Heritage, Landscape Strategy, Air Quality, Noise and Vibration, Drainage and Flood Risk, Lighting and Climate Change. The ES identifies

significant impacts of the development on the environment and the locality, and the mitigation considered to make the development acceptable.

- 9.86. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 3 requires that local authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and that they shall state in their decision that they have done so.
- 9.87. The information contained within the submitted Environmental Statement has been considered as part of assessing the merits of the application and the impacts of the proposed development and the mitigation measures necessary to make the development acceptable. These matters are discussed in more detail below.
- 9.88. Having assessed the Environmental Statement, Officers are satisfied for the reasons set out below that the adverse environmental effects of the development would not be significant subject to the mitigation measures set out in the resolution of technical matters and as secured through the recommended conditions and legal agreement clauses. This report should be considered as the Council's statement for the purposes of regulation 26c of the EIA Regulations 2017 (as amended).

Duty under The Equalities Act 2010

- 9.89. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.90. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive - Economic

- 10.2. The proposals would create the opportunity for the delivery of housing and affordable housing provision to meet Oxford's Unmet Housing Need on an allocated site. This attracts very significant positive weight given the scale and opportunity presented.

- 10.3. The creation of significant construction and the support to the viability and vitality of future jobs and facilities in terms of the science park and ancillary jobs (within the Local Centre and Hotel, for example) carry significant positive weight.
- 10.4. The benefits of new recreational routes, play provision, sports including improvements to, and new allotments should also be afforded significant positive weight. Other s106 contributions should also be afforded significant positive weight.

Positive benefits – Social

- 10.5. The proposals would provide the opportunity for the provision of affordable housing to meet the need of Oxford's Unmet Housing Need on an allocated site. Other aspects include enhancements to create new facilities and a new Local Centre enhancing the facilities to meet day to day needs. The increase in recreational routes and play would also create a significant benefit not only to future residents of the development but also to the wider community.
- 10.6. The provision of new schools and enhancements to public transport which would be supported by the development are also significant positive factors and the creation of jobs also carry positive weight.

Positive benefits - Environmental

- 10.7. Environmentally the proposals would offer a modern development that would accord with building regulations and include renewable energy however the detail and design of the buildings have not been submitted. The proposals would also secure biodiversity net gain and new habitats, particularly to the east of the railway. This should carry significant positive weight.
- 10.8. Other green space and sustainable drainage networks would also be given moderate weight as they are required to make the development acceptable.

Negative Impacts – Economic

- 10.9. There are no identified material negative economic impacts that are identified, any minor impacts could be mitigated accordingly to minimise impacts.

Negative Impacts – Social

- 10.10. The proposals could have a negative impact on the amenity to neighbouring residents particularly during the construction of development. This would be a limited negative consideration on the social well-being of residents as it is a matter which could be managed through appropriate mitigation and management of the construction process. The impact of the proposals on the use of the cemetery have also been considered.
- 10.11. There would be perceived impacts and changes over the course of the development from the loss of Sandy Lane whilst new habits and practices are formed. The timing and delivery of new facilities and change in nature from the current green space would also be a negative impact. Overall, the impacts on the existing residents of the surrounding should be given moderate weight.

Negative Impacts – Environmental

- 10.12. During the construction of development there would be disturbance and impacts arising from the implementation of the development this would be a moderate negative consideration on the local environment.

10.13. The proposals would also have a negative impact in terms of the use of land, resources, materials and other impacts arising from the development. This impact is considered to be limited as the proposals form part of the planned growth in the District.

Overall Conclusion

10.14. It is clear that the positive elements of the proposals present a clear and significant benefit to the District both in terms of housing and the delivery of knowledge based jobs. There are significant benefits arising from the delivery of affordable housing, new usable green spaces and facilities to support day to day living and reduce the need to travel further. There would be connections and improvements to the surrounding area. There would be limited variation from the Development Brief, but this has been assessed throughout this appraisal and found to be acceptable. The objections, comments and concerns raised have all be carefully considered but in considering the development as a whole it is clear that the delivery of this allocation should be supported in the view of officers subject to the resolution of matters with the Environment Agency and Network Rail. The proposal is considered to be in compliance with the Development Plan, in particular Policy PR8 of the Partial Review, and in considering the Development Plan as a whole and the aims and objectives of the National Planning Policy Framework the proposals are recommended for approval.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

- i) RESOLVING THE OBJECTION OF NETWORK RAIL TO THE SATISFACTION OF THE ASSISTANT DIRECTOR**
- ii) RESOLVING THE OBJECTION OF THE ENVIRONMENT AGENCY TO THE SATISFACTION OF THE ASSISTANT DIRECTOR**
- iii) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- iv) IN ACCORDANCE WITH APPENDIX 1 (HEADS OF TERMS), THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- a) Provision of 50% affordable housing on site
- b) Payment of financial contributions towards on/off site community, sports and recreation including the delivery of on-site sport at the future Secondary School for the wider benefit of the community.
- c) Payment of contributions towards transport and public transport enhancements and feasibility work towards a new station and sustainable transport (e.g. travel plan monitoring)
- d) Payment of contributions and land towards Secondary School, SEND and Primary Schools.
- e) Payments of contributions to Police and Health infrastructure.
- f) Payments of contributions to Canal Towpath enhancement and a connecting bridge to Allocation PR7b
- g) Payment of contributions towards archaeology storage, library enhancement and waste services

h) Appropriate monitoring fees for the delivery of the s106

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 12 MONTHS OF THIS RESOLUTION AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

- 1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies PR2, PR4a, PR4b, PR5, PR8 and PR12 of the Cherwell Local Plan Partial Review, Policies BSC7, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework**

CONDITIONS

Time Limits

1. The first Reserved Matters Application shall be made to the local planning authority no later than 3 (three) years from the date of this permission.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be Commenced either before the expiration of 3 (three) years from the date of this permission, or before the expiration of 2 (two) years from the date of the last Reserved Matters Application to be approved, whichever is the later.

Reason: To prevent the accumulation of unimplemented planning permissions, in accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

3. Details of the layout, scale, appearance, landscaping and access (other than shown on the approved plans) (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended) and the Development Management Procedure Order.

Compliance with Plans

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Location plan – 201506_OPN_P001

Parameter plans,

- o Land use – 201506_OPN_P003
- o Maximum Building Heights, – 201506_OPN_P004
- o Access and Movement – 201506_OPN_P005
- o Green & Blue Infrastructure – 201506_OPN_P006

Highways Drawings:

- o Proposed Traffic Signal Junction Access Arrangement - 8190898_6103_K,
- o Proposed Traffic Signal Junction Arrangement, Hallam Only - 8190898_6106_B,
- o SWA 12m rigid and Home Delivery Van - 8190898_6201_A, o SWA 8.2m Fire Tender - 8190898_6202_A,
- o SWA 12m Bus and Home Delivery Van - 8190898_6203_A

The following plans are illustrative only but have formed part of the application submission:

Illustrative Plan – 201506_OPN_P002

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Compliance with the Environmental Statement

5. The development shall be carried out in accordance with the mitigation measures summarised in Chapter 19 in the Environmental Statement.

Reason: To ensure that the development takes place in accordance with the schedule of mitigation contained within the Environmental Statement.

Phasing

6. No development shall commence until a Site Wide Phasing Plan which accords with the s106 triggers and Transport Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. It shall define a key phase and include the expected sequence of delivery of development within a Development Area, or sub area, or the provision of any other element or to any other applicable trigger point. The development shall be carried out in accordance with the approved Phasing Plan unless there are unforeseen events / obstacles to delivery and alternative timing for provision is agreed in writing by the Local Planning Authority. The Phasing Plan shall, by written agreement with the Local Planning Authority, be updated from time-to-time to reflect increased certainty of delivery of infrastructure. The Site Wide Phasing Plan shall include but not be limited to the sequence of providing the following elements:

- a. A plan showing defined key phases.
- b. Residential development parcels, including approximate housing numbers;
- c. Construction accesses and temporary facilities (e.g. site compounds and sales offices)
- d. Local bus services;

- e. Major distributor roads/routes within the site, including timing of provision and opening of access points into the site and connections to neighbouring developments;
- f. Strategic footpaths and cycleways;
- g. Strategic foul and surface water features and SUDS;
- i. Formal and informal public open space, allotments, community orchard and parks and play facilities;
- j. Strategic electricity, telecommunications and gas networks;
- k. Infrastructure for the provision of fibre optic cables;
- l. Biodiversity net gain;
- m. Environmental mitigation measures;
- n. A mechanism for its review and where necessary amendment.

Reason: To clarify how the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that infrastructure provision and environmental mitigation are provided in time to cater for the needs and impacts arising out of the development, in accordance with Policy PR8 of the Cherwell Local Plan (Partial Review) and the aims and objectives of ensuring clear development monitoring and delivery in the NPPF.

Development Brief/Coding

7. Prior to the submission of the first of the reserved matters applications for each Phase of the development except for enabling works or strategic engineering works, a Design Code for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared for each Key Phase in accordance with the principles and parameters established in the Approved Documents submitted with the Outline Planning Application. It shall include both strategic and more detailed elements.

The Design Code shall explain its purpose, structure, and status; indicate who should use the document and how to use it; set out the mandatory and discretionary elements and be clear how these apply.

Where relevant the Design Code shall address the interface with adjoining areas, whether they have already been subjected to design coding or not, and indicate appropriate cross boundary design responses, both within the Application Site and across the Allocated Site, in accordance with the principles of the outline planning permission or Policy PR8 of the Cherwell Local Plan, unless otherwise demonstrated. The detail of the requirements of the Design Code are at Appendix A.

Reason: To ensure high quality design and coordinated development and to facilitate comprehensive development through cumulative phases of development in accordance with Policies PR4a, PR5, PR8 of the Cherwell Local Plan Partial Review, Policies BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD5, ESD6, ESD7, ESD8, ESD10, ESD13, ESD15, ESD16, ESD17 and SLE4 of the Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996

Site Wide Construction and Environmental Management Plan (CEMP)

8. Prior to the commencement of development, a detailed site wide Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall be based on the principles outlined in the submitted Construction Environmental Management Plan shall include the following:
- i) Implementation of earthworks and details of any piling, noise, vibration and associated mitigation;
 - ii) Implementation air quality and dust suppression management measures through a Dust Management Plan;
 - iii) The protection of the environment and implement best practice guidelines for works within or near water and habitats, including the appointment of a qualified ecologist to advise on site clearance and construction, in particular any works that have the potential to disturb notable ecological features;
 - iv) Measures to minimising energy requirements and emissions from equipment and plant (including minimising the use of diesel or petrol powered generators and instead using mains electricity or battery powered equipment; powering down of equipment / plant during periods of non-utilisation; optimising vehicle utilisation; use of energy efficient lighting)
 - v) Construction management measures to ensure the preservation of heritage assets and to ensure the preservation of on-site designated heritage assets within the site
 - vi) An Emergency Response / Spill Response Plan to be produced by the Principal Contractor(s) for the protection from contamination
 - vii) Measures to minimise greenhouse gas emissions associated with the production of waste including the reuse and recovery of materials where possible, avoid excavation waste, management of water and water resources, the reuse and/or recycling of construction waste on-site in subsequent stages of the development
 - viii) Measures to reduce the impact on nearby residents and associated temporary fencing, lighting and construction compounds and activity through the operational phase of development
 - ix) Details of site management including a method for creation of logging of visitors and contractors on site, the monitoring incidents and complaints), including monitoring and reporting (including site inspections, soiling checks, compliance with Dust Management plan, etc) and, where appropriate, CCTV and tracking of contractor vehicles to ensure appropriate routing of vehicles

The development shall be carried out in accordance with the approved CEMP.

Reason: To manage construction process and to ensure that the impacts to soils, air quality, contamination and ground conditions, ecological habitats, cultural heritage, noise and vibration, heritage assets, transport and waste as well as neighbouring and nearby residents and climate impacts are managed in accordance with the mitigation outlined in the Environmental Statement and in accordance with Policies ESD1, SLE4 of the Cherwell Local Plan Part 1 2011-2031, Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the NPPF.

Construction Traffic Management Plan (CTMP)

9. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CTMP shall detail traffic routing, temporary access and haul roads to ensure construction vehicles, materials and logistics

saving measures are managed.

The development shall be carried out in accordance with the approved CTMP.

Reason: To manage construction process and to ensure that the impacts to local transport infrastructure and the strategic highway network is managed in accordance with the mitigation outlined in the Environmental Statement and in accordance with Policies ESD1, SLE4 of the Cherwell Local Plan Part 1 2011-2031, Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the NPPF.

Site Wide Landscape and Ecology Management Plan (LEMP)

10. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) covering a period of no less than 30 years shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the site shall be managed in accordance with the details of the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework

Housing Mix

11. Prior to the submission of the first application for approval of Reserved Matters relating to the first Development Parcel including residential development within each Phase a housing mix strategy shall be submitted to and agreed in writing by the Local Planning Authority. The submitted strategy shall set out in relation to that Phase details of affordable housing and how this contributes to provision across the whole site and to ensure that there is no significant difference between market and affordable housing provision which would compromise the integration of affordable housing within the development.

Reason: To ensure the appropriate development of the housing in accordance with Policies PR2 and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Self-Build Strategy

12. Prior to the submission of the first application for approval of Reserved Matters in each Phase a Strategy to enhance or support the opportunity for the delivery of self/custom build homes shall be submitted to and agreed in writing by the Local Planning Authority.

The development shall be carried out in accordance with the agreed details.

Reason: To ensure the appropriate development of the housing in accordance with Policies PR2 and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Parking Strategy

13. i) Prior to, or concurrently with, the submission of the first Development Area Brief, a Site Wide Car and Cycle Parking Strategy shall be submitted to the local planning authority for approval. No occupation shall commence until such time as the Strategy has been approved in writing by the local planning authority. The Strategy shall:
- a) set car, coach, bus, cycle and motorcycle parking levels for different uses in relation to targets associated with the Site Wide Travel Plan agreed pursuant to the Section 106 Agreement and provide a mechanism for review;
 - b) provide a distribution strategy and hierarchy for all types of parking;
 - c) provide principles for temporary car parking and its phasing;
 - d) set levels for and principles relating to the location and type of electric vehicle charging points.
- ii) Any Reserved Matters Application which includes parking shall be accompanied by a Parking Plan submitted to the local planning authority for its approval which details how the proposed development complies with the Site Wide Car and Cycle Parking Strategy. The Parking Plan shall be implemented before the buildings permitted by approval of the Reserved Matters Application are first occupied and shall thereafter be maintained thereafter.

Reason: In order to provide consistent and sustainable parking management across the Site to help minimise impact on the network and promote sustainable modes of travel, reduced reliance on the private car and opportunities to maximise the use of public transport, walking and cycling in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Contamination Verification Strategy

14. A verification report that demonstrates the effectiveness of the remediation carried out in accordance with the Environmental Statement Contaminated Land Chapter on the site shall be submitted to and approved in writing by the Local Planning Authority. Any change to the proposed remediation strategy must be submitted to and approved by the Local Planning Authority prior to works commencing.

Reason: To ensure that any aparthotel rooms are not used as permanent residential accommodation or student accommodation, which would give rise to different impacts in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Unexpected Contamination

15. If during the course of development, contamination not previously identified is

found to be present at the Site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development within the area subject to the contamination (unless otherwise agreed in writing with the local planning authority) shall be carried out until the applicant has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Ecology/BNG condition(s)

16. Prior to the commencement of works, a detailed Biodiversity Improvement Management Plan (including updated survey work as appropriate). The management plan, should set out and include:
- Survey work in relation to breeding birds, water voles and badgers.
 - the retention and enhancement of the main river running to the south and surrounding landscaping;
 - retention and enhancement of existing ponds and ditches on the Site.
 - creation of new of ponds on the Site,
 - the creation of Sustainable Drainage System wetland; and
 - enhance the extent and connectivity of habitat suitable for protected species including otters and water voles.
 - Mitigation of badgers and other protected species

Reason: To ensure that the development follows the Ecology mitigation identified in the Environmental Statement, submits appropriate information in relation to Biodiversity Management outlined in Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policies ESD10, ESD13 and ESD16 of the Cherwell Local Plan 2011-2031 and meets the requirements of the NPPF in mitigating and achieving biodiversity net gain

17. a) Prior to the first Reserved Matters a detailed strategy for the achievement of Biodiversity Net Gain across the whole site shall be submitted to and agreed in writing by the Local Planning Authority.

b) As part of each subsequent Reserved Matters details of Biodiversity Net Gain to be achieved over the Reserved Matters submission and how this contributes to the overall development aims shall be submitted to and approved in writing by the Local Planning Authority.

c) The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development meets the requirements of the NPPF in mitigating and achieving biodiversity net gain and in accordance with Policies

Sustainable Construction Strategy

18. a) Prior to or concurrently with the submission of the first Development Parcel Reserved Matters application, a strategy shall be submitted detailing how the development will progress the aims of net zero carbon to include targets for each element that:
- As a minimum, complies with national and local requirements for low and zero carbon.
 - Create a Development that is resilient to energy price fluctuation and the impacts of climate change.
 - Supports the transition towards Net Zero Carbon.
 - Reduce potable water demand through the efficient use of water to a maximum of 105 litres per person per day
 - Include details for the management of wastewater (e.g. through rainwater harvesting)
 - Manage water run-off through the incorporation of SuDS
 - Minimise the generation of and increase the reuse of waste associated with demolition, excavation and construction
 - Provide systems for efficient waste management during operation
 - Provide for the sustainable use of materials and resources, considering embodied impacts, sourcing, conservation and reuse
 - Promote and enable efficient low-carbon means of transport and prioritise active transportation by providing a minimum appropriate cycle storage within dwellings and providing staff cycle storage and changing facilities within workplaces
 - Ensure the reduction in energy use for heating and cooling
 - Provide for electric charging points on all private properties, communal parking spaces, and on all disabled parking spaces with the provision of passive capability to install future electric vehicle charging points
 - Sustainable buildings that deliver high levels of enhanced economic, social and environmental outcomes including lower operational costs.
- b) As part of the Reserved Matters submissions for each Development Parcel a compliance statement for that Development Parcel shall be submitted demonstrating how the proposal meets or exceeds the requirements of Site wide sustainability standards and a strategy for implementation in relation to that Development Parcel.
- c) The development of each Development Parcel shall be implemented in accordance with the relevant agreed details and timescales for that Development Parcel.

Reason: To ensure that the proposals meet the challenge of the legislation set out in the Climate Act 2008 as set out by the aims and objectives set out in the NPPF, Policies PR5, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies ESD5, ESD6, ESD7 and ESD8 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF.

Landscape Reserved Matters

19. Any Reserved Matters Application for landscaping details pursuant to this approval shall, where relevant, include detailed landscape designs and specifications for the associated Reserved Matters Area. The details shall be accompanied by a design statement that demonstrates how the landscaping scheme accords with any emerging or approved details sought as part of the Approved Design Code for a Phase and shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including details of cultivation to soils before seeding and turfing, proposals for maintenance and management associated with plant and grass establishment for a 5- year establishment and maintenance period, details of the mix, size, distribution, density of all trees/hedges/shrubs to be planted and the proposed planting season. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) 1:500 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads (primary, secondary, tertiary, and green) through the development.
- d) A specification for the establishment of trees, including within hard landscaped areas including details of space standards (target rooting volumes for trees and distances from buildings and/or development parcels.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Full details of any existing, altered, or proposed watercourses/drainage channels.
- g) Full details of the location of any services and utilities relative to existing and proposed soft landscaping.
- h) Details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882: 2015, proposed levels and contours to be formed and sections through construction to show make-up.

Hard Landscaping

- i) Full details, including cross-sections, of all bridges and culverts.
- j) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs, and lighting columns/brackets.
- k) 1:500 plans (or at a scale otherwise agreed) including cross sections, of roads, paths, and cycleways.
- l) Details of all hard-surfacing materials (size, type, and colour)

Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

The landscaping within the Reserved Matters Area shall be implemented in accordance with the approved plans for implementation and for their replacement.

Reason: To ensure an appropriate level of information is contained within the application documentation in accordance with Policies

Surface Water Strategy

20. As part of any application for reserved matters relating to layout, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, including principles of future management, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:

a) a compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;

b) full drainage calculations for all events up to and including the 1 in 100 years plus 40% climate change;

c) a Flood Exceedance Conveyance Plan;

d) comprehensive infiltration testing across the site to BRE DG 365 (if applicable);

e) detailed design drainage layout drawings of the SuDS proposals including cross-section details;

f) detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and; details of how water quality will be managed during construction and post development in perpetuity;

g) confirmation of any outfall details; and

h) consent for any connections into third party drainage systems.

Reason: To manage on site drainage and sustainable drainage systems across the site in accordance with Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policies ESD6, ESD7, ESD8, ESD10, ESD13, ESD15 and ESD16 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

Foul Water Strategy

21. The development shall be undertaken in accordance with a Development and Infrastructure Phasing Plan which shall be submitted for approval by the LPA prior to development commencing. As a minimum the Plan should include the anticipated commencement and occupation of development phases and how the necessary upgrade works and their timescales for delivery have been taken into account. Occupation of the development (or part of the development) shall only take place in accordance with the Development and Infrastructure Phasing Plan.”

REASON: Oxford sewage treatment works does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewage treatment works to avoid adverse impacts on the environment.

22. The development shall not be occupied until confirmation has been provided to the LPA that all foul water network upgrades required to accommodate the additional flows from the development are operational with that time period anticipated as being within 3 years of the date of this consent".

REASON: The local sewerage network does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewerage network to avoid adverse impacts on the environment.

23. The development shall not be occupied until confirmation has been provided to the LPA that all foul sewage treatment upgrades required to accommodate the additional flows from the development are operational with that time period anticipated as being within 3 years of the date of this consent".

REASON: The local sewage treatment works does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewerage network to avoid adverse impacts on the environment in accordance with Policies PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF.

Residential Travel Plan

24. Within three months of first occupation of each Phase a Travel Plan for the residential dwellings of that Phase shall be submitted to and approved by the Local Planning Authority and implemented thereafter. The Travel Plan shall include mechanisms for review and updating dependent on delivery timescales. The development shall be carried out in accordance with the Adopted Travel Plan.

REASON: To promote and implement sustainable transport measures and reduce the reliance on the car and promote cycling, walking and the use of public transport in accordance with Policies PR4a, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 and SLE4 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

Youth and Play Strategy

25. Prior to or concurrently with the submission of the first of the reserved matters submission, a Strategy for Youth Facilities and Children's Play provision across the development, in accordance with the principles set out in the submitted Environmental Statement and the principles of the Design Code (approved under Condition 7), shall be submitted to the Local Planning Authority for approval. The Youth and Play Strategy shall include sufficient details to demonstrate the implementation of the Sports strategy within the Strategic Design Guide including specifications, location and phasing and include details of management, maintenance and governance. Reserved matters submissions shall take account of and be submitted in accordance with the approved strategy.

Reason: To ensure that the proposals deliver appropriate an amount and variety of sport and recreational opportunities for all ages in accordance with the submitted Environmental Statement, Sports Strategy and Landscape Strategy

and Policies PR5 and PR8 of the Cherwell Local Plan Partial Review and Policy BSC10, BSC11, ESD10, ESD13, ESD15, and ESD17 of the Cherwell Local Plan 2011-2031, 2031, saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the NPPF.

Formal Play (NEAPS, LEAPS)

26. a) A Reserved Matters submission which includes formal play provision shall be carried out in accordance with the Site Wide Youth and Play Strategy and shall include details of site levels, play features and facilities for an appropriate age of children and youth provision, seating, pathways, planting and landscaping relating to that play facility and a strategy for its implementation and management shall be submitted for the approval of the Local Planning Authority. The play equipment shall be designed in a manner to reflect the location and to ensure that there is individual identity and design to distinguish the play facility from other play facilities in the application site.

b) The development of the play provision shall be carried out in accordance with the relevant agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver an appropriate amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Informal Play (LAPs, SiPs)

27. a) A Reserved Matters submission which incorporates additional Local Areas of Play (LAPs), Sites for Imaginative Play (SiPs) or other areas of informal play shall be carried out in accordance with the Site Wide Youth and Play Strategy shall include details of site levels, play features, seating, pathways, planting and landscaping relating to that LAP, SiP or other area of informal play and a strategy for their implementation and management shall be submitted for the approval of the Local Planning Authority.

b) The development of each informal play area shall be carried out in accordance with the relevant agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years

after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver appropriate an amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Community Orchard/Edible Landscape

28. a) As part of the Reserved Matters submission which incorporates new groups of tree planting, shall consider the provision of community orchards and an edible landscape, and should those be proposed the following details relating to any such provision shall be submitted to the Local Planning Authority for approval in writing:

- i) details of site levels and soil preparation,
- ii) planting to promote an edible landscape including fruit trees, shrubs and bushes,
- iii) boundary treatment and hedgerow planting,
- iv) any ancillary features such as seating, bins (including dog bins),
- v) arrangements for implementation and management of the area for the future community.

b) The development of such community orchards shall be carried out in accordance with the agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver appropriate opportunities for tree planting, healthy lifestyles and wildlife foraging and in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Allotments Strategy

29. The Reserved Matters submissions for any Development Parcel or Landscaping Element which incorporates allotment provision shall, where appropriate, include the following details:

- a) A plan of the allotments, principles of plot layout and design providing for a range of plot sizes designed to allow flexibility to meet the needs of future plot holders; areas for communal storage of, for example, manure and compost;
- b) Confirmation that the site of the proposed allotments is free from contamination and capable of growing fruit and vegetables for human consumption;
- c) Proposed management arrangements for the allotments (including topsoil and soil provision/management) including consultation with relevant bodies;
- d) Access and parking arrangements to allow easy and safe access to the allotments;
- e) Details of the ancillary features (e.g. bins, seats, water butts, greenhouses and sheds);
- f) Boundary treatment, including security arrangements for the allotments;
- g) Water supply, including use of stored rainwater and SuDS for watering crop and drainage arrangements to ensure that the proposed site for the allotments is free draining and does not impact on the wider drainage network (e.g. through silting up of the drainage network).
- ii) The provision of allotments shall be carried out in accordance with the approved details and in accordance with the approved phasing programme.

Reason: To ensure that the detail of allotments are delivered in a manner that delivers an appropriate allotments for future users in accordance with the requirements of Policies PR5 and PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Footpaths, Cycleways and Green Corridors

30. Prior to or as part of the Reserved Matters submission with regard to the relevant phase the submission shall detail:
- i. Footways and cycleways to promote active travel for recreation and commuting across the site and connections to neighbouring developments.
 - ii. The creation of Green Corridors including landscaping, seating, signage and public art
 - iii. The creation of recreational links and access across the land to the north under development proposals 23/02098/OUT
 - iv. The provision of connections to Littlemarsh Playing Field and/or evidence to demonstrate that this is not feasible.

Reason: To ensure that the detail of footways, cycleways and other routes are delivered in a manner that delivers an appropriate recreational facility for future users in accordance with the requirements of Policies PR5 and PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies SLE4, ESD13, ESD15, ESD16 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Lighting Strategy

31. Prior to or concurrently with each Reserved Matters details of a site-wide

lighting strategy taking account of the principles in the Framework Lighting Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:

- i) Lighting for play
- ii) Lighting for residential areas
- iii) Lighting for public realm and walking and cycling routes.
- iv) Areas of ecological areas where lighting will be prohibited.
- v) A strategy for lighting roads and development parcels.
- vi) A strategy for mitigation to reduce light pollution during construction.

No occupation shall take place on any phase until the detailed lighting strategy has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance Policies PR3, PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Tree Management Strategy

32. As part of the Reserved Matters submission, a tree management strategy and associated plans for the following insofar as they relate to that Reserved Matters shall be submitted to and agreed in writing by the Local Planning Authority.

- i) A strategy for the ongoing management, felling and replacement planting of any trees within existing mature trees and hedgerows in accordance with the principles of the outline planning permission.
- ii) A strategy for other standalone and groups of trees and hedgerows within the Reserved Matters submission
- iii) Details of tree protection measures relating to that Reserved Matters submission in accordance with BS5837:2012 (or succeeding and/or replacement legislation) to be maintained throughout construction.
- iv) Details of new landscaping features (e.g. seats, dog bins, and footpaths) within the existing tree belts within the Reserved Matters submission
- v) A strategy for implementation and retention of new and existing trees, hedgerows or tree belts within the Reserved Matters submission

b) The development of each Reserved Matters shall be implemented in accordance with the agreed strategy and timescale and retained thereafter.

Reason: To ensure that the proposals deliver appropriate management and retention of the existing tree cover to the site in accordance with the submitted Environmental Statement and Policies PR5 and PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Noise Mitigation Strategy

33. Prior to the development commencing a report shall be submitted to and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction

for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources).

Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

If alternative means of ventilation are required, then an overheating assessment should be carried out in accordance with details submitted to and approved by the Local Planning Authority and the approved details shall then be implemented into the development.

Reason: To ensure that the proposals provide an appropriate mitigation to road and railway noise arising from neighbouring land uses in accordance with Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Low Emission Strategy

34. Prior to the submission of the first Reserved Matters a Low Emission Strategy shall be submitted to and agreed in writing to mitigate, improve and enhance, wherever possible, the air quality and sustainable transport options to the surrounding area. The development shall be carried out in accordance with the approved strategy.

Reason: To ensure that the proposals provide an appropriate mitigation to road and railway noise arising from neighbouring land uses in accordance with Policies PR4a, PR4b and PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Fibre Optic Installation

35. a) Prior to the commencement of any Reserved Matters, a scheme detailing the provision of open access ducting for fibre optic cable to serve a range of telecommunication services, shall be submitted to and approved in writing by the Local Planning Authority, including site infrastructure plans. The scheme shall ensure:

- i) that a site-wide network is in place and provided as part of infrastructure works;
- ii) that the site-wide network includes the provision of open access ducting for fibre optic cable to the boundary of the site; and
- iii) a strategy for implementation of the works and access and connections to neighbouring Development Parcels.

b) As part of the Reserved Matters submission for layout, a strategy shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate the completion of infrastructure to facilitate the provision of fibre optic cable to each property upon the completion of the infrastructure. The scheme shall be implemented in accordance with the agreed timescales and retained thereafter.

Reason: To provide appropriate and sustainable infrastructure for high speed internet connection in accordance with Policies PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies BSC9 and ESD15 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Residential Space Standards

36. A Reserved Matters Submission within the redline of the outline application shall be accompanied by a statement outlining that all proposed residential properties are in compliance with national or local space standards, whichever provides a higher level of space.

Reason: To achieve an appropriate standard of housing in accordance with Policy PR2 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

Appendix A - Design Code Requirements

The Design Code shall include, as relevant to each Phase:

- a. The vision for the Phase. This should clearly articulate how the Phase contributes to the realisation of the Vision for the Site as a whole, as articulated in the Design and Access Statement and Design Principles, with emphasis upon the overall framework for movement, land use and landscape. The framework for development should be presented within the context of the Application Site and the wider area.
- b. The Design Code shall include a 'framework masterplan' that establishes the framework for development within that Phase. The 'framework masterplan' is the key plan associated with the Design Code and the content of the plan and its associated key will guide the structure of the Design Code.
- c. A movement hierarchy for the Phase (which is to secure a legible, permeable and connected network), and the principles and extent of the highway that would potentially be offered for adoption (the extent of adoption will be agreed following Reserved Matters approval).
- d. Typical street cross-sections which will include details of tree planting, landscaping, service runs, traffic calming and on street parking.
- e. How the design of the streets and spaces will address the needs of all users and give priority to sustainable travel.
- f. Principles to guide block structure and built form including design principles to address the relationships between land use; height and mass; primary frontages; pedestrian access points; fronts and backs; threshold definition; important buildings/groupings; building materials and design features.
- g. Approach to incorporation of ancillary infrastructure/buildings (such as substations, street name plates, pumping stations, pipes, flues, vents, meter boxes, external letterboxes, required by statutory undertakers as part of building design) and the routing of utilities.
- h. The approach to vehicular parking across the phase including the location and layout of parking for people with disabilities and for each building type, including the approach that will be adopted to access points into, and the ventilation of any undercroft or underground parking or any separate parking structures.
- i. The approach to cycle parking for all uses and for each building type, including guidance on the distribution (resident/visitor parking and location in the development), type of rack, spacing and any secure or non-secure structures associated with the storage of cycles, following the principles of the LTN1/20

j. The approach to the landscape framework including the integration of the existing retained landscape features and new structural planting in the key public open spaces and along the primary and secondary streets, together with guidance on tree/planting specification, and the interface with surface water drainage features, the design of which will also be addressed.

k. The provision of outdoor sports and children's play space provision including the formal playing fields and any Neighbourhood Equipped Area for Play (NEAP), Local Equipped Play Area for Play (LEAP) and Local Area of Play (LAP) with reference to the relevant open space/play space guidance and standards extant at that time.

l. The approach to the treatment of footpaths, cycleways, and bridleways through the site.

m. The conceptual design and approach to key public spaces including the integration of public art (identifying appropriate locations) and guidance on materials, signage, utilities, and any other street furniture.

n. The conceptual design and approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, to maximise energy efficiency, minimise light pollution and avoid street clutter.

o. Details of waste and recycling provision for all building types, in accordance with RECAP principles.

p. Measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscape, orientation, massing, and external building features.

q. Design features to support biodiversity and ecological enhancement aligned with the relevant Phase Ecological Management Plan.

r. Measures to minimise opportunities for crime.

s. Details of the proposed design review procedures and circumstances where design review will be undertaken.

Reserved matters applications for that phase shall be submitted in accordance with 'a Design Guide Statement of Compliance' with the details approved as part of the Design Code for that Phase.

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APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	<p>50% Affordable Housing</p> <p>To include 25% First Homes to comply with the Government's policy. This was introduced after the Partial Review was adopted and supersedes it. The tenure split on this site is therefore:</p> <ul style="list-style-type: none"> - 70% social rented - 25% First Homes - 5% shared ownership <p>The precise mix to be agreed.</p>	<p>Suitable trigger points for an RP to be brought on board and then for the delivery of the affordable housing alongside the delivery of market dwellings.</p>	<p>Necessary – Yes – The site is allocated as part of the Partial Review – Policy PR2 and PR8 are the relevant policies.</p> <p>Directly related – Yes – the affordable housing will be provided for the need identified in the Local Plan</p> <p>Fairly and reasonably related in scale and kind – Yes – the contribution is the level of the expected affordable housing.</p>
OCCG	£259,200.00	50% occupation or an alternative agreed trigger	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development. Additional facilities are expected to be provided at Exeter Close in the first instance however there may also be an opportunity for additional facilities on site and in Yarnton.</p> <p>Directly related – Yes. The proposals would be used towards the creation of consultation space.</p>

			<p>Fairly and reasonably related in scale and kind – Yes</p>
<p>Public Art, Public Realm and Cultural Wellbeing</p>	<p>£ 58,800</p> <p>This also could be delivered through a public art strategy</p>	<p>First occupation or an alternative agreed trigger</p>	<p>Necessary – In accordance with the Council’s Adopted SPD. Public Realm, Public Art and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples’ lives. SPD 4.132 The Governments Planning Practice Guidance (GPPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using and for neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Directly related – The recommendation is to engage a lead artist/artist team to develop a series of bespoke and creative waymarkers or landmark features around the cycleways and footpaths. These could also potentially be rolled out to other routes in the area to create a broader network and</p>

			<p>link in the neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Fairly and reasonably related in scale and kind – Based on £200 per residential dwelling which includes a 12% for management and maintenance (£) is considered to be proportionate to the scale and location of the development</p>
Outdoor Sports Provision	£605,109.00	<p>Phased across the development.</p> <p>Agreed triggers/phasing may be agreed through the course of the s106 drafting.</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – An off-site contribution is sought to support the provision of formal outdoor sport facilities in the wider PR8 area and/or enhancements to Little Marsh Playing Fields and other formal outdoor sports facilities in the locality.</p>

			Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.
Indoor Sports Provision	<p>£241,430.40</p> <p>The development of the secondary school should incorporate the provision of a 4-court sports hall to Sport England specification, made available for out-of-school hours community use. The provision of such a facility would cost (according to County Council figures) £840,000 at a 2Q 2024 base date.</p> <p>Details of the community sport need to be evident in the S106 and a condition is also added. As the development is providing sports hall provision, the contribution requested would be used as part of the delivery process of the development</p>	The amount to be phased across the delivery of the scheme (e.g. the school sports provision).	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD. Contributions would be towards improvements at Kidlington & Gosford Leisure Centre and/or a new facility in the vicinity.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Community Hall	<p>£308,358.00</p> <p>A commuted sum should be associated with the community building towards 15 years maintenance, which should be made available to whoever takes ownership.</p>	Trigger to be agreed	Necessary - Requiring a new community facility on site is in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD.

	<p>The contribution towards maintenance should be calculated at £298.88 per m².</p> <p>Total commuted sum calculated on 133.20 per m² = £39,810.82</p>		<p>Directly Related – Yes – the proposals will be delivered as part of the Local Centre on the OUD proposals.</p> <p>Fairly and Reasonably related in scale and kind- Yes.</p>
Community Development Worker	<p>£34,791.48</p> <p>As the development is between 250 and 500 dwellings, developers are expected to contribute towards the costs of employing a community development worker for 0.4 FTE for 2 years. Costs calculated at Grade G, point 1 £35,647.00 per annum plus 22% on costs. 0.4 of FTE with on costs = £17,395.74 For 2 years</p>	Trigger to be agreed	<p>Necessary - Community development is a key strategic objective of the Cherwell Local Plan. The Local Plan includes a series of Strategic Objectives and a number of these are to facilitate the building of sustainable communities. SO10 is a strategic objective to provide sufficient accessible good quality services, facilities and infrastructure including green infrastructure, to meet health, education, transport, open space, sport, recreation, cultural, social, and other community needs, reduce social exclusion and poverty and address inequalities in health, maximising well-being. Paragraph B.86 of the Local Plan states that the Council wishes to ensure that new development fully integrates with existing settlements to forge one community, rather than separate communities.</p> <p>Directly Related – The contribution shows how the developer will support the initial formation and growth of the community through investment in community development, which enhances well-being</p>

			<p>and provides social structures through which issues can be addressed.</p> <p>Fairly and Reasonably related in scale and kind- Yes.</p>
Community Development fund	£13,500.00	Trigger to be agreed	<p>Necessary – The NPPF (March 2021) paragraph 69 states that planning should aim to achieve places which promote....” opportunities for meetings between members of the community who might not otherwise come in contact with each other”. Paragraph 17 states that planning should “take account and support local strategies to improve health, social and cultural well-being for all and deliver sufficient community and cultural facilities to meet local needs.</p> <p>Directly Related – The contribution towards community development work which will include initiatives to support groups for residents of the development.</p> <p>Fairly and Reasonably related in scale and kind- Yes.</p>
A public transport services contribution	£131,353	First Occupation or alternative agreed trigger	<p>Necessary – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport provision.</p> <p>Directly related –</p>

			<p>The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Sustainable Transport Infrastructure	<p>£56,136 to be index linked from October 2021 using RPIX Index– Bus stops.</p> <p>£100,000 to be index linked from December 2023 using RPIX Index – towards design and study for a future railway station.</p> <p>£525,454 to be index linked from June 2022 using Baxter Index- A44 Highway Works Package – Bladon to Begbroke Hill* (under review)</p> <p>£388,850 to be index linked from June 2022 using Baxter Index towards the Mobility Hub* (under review)</p>	<p>First occupation or alternative agreed trigger</p> <p>At 1,500 homes</p>	<p>Necessary – The contribution is necessary to provide sustainable transport options with the fitting of four bus shelters on the site.</p> <p>Directly related – The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual	£1,890 index linked from March 2022 using RPIX Index	At appropriate stages	<p>Necessary – The site will require a framework travel plan. The fee is required to cover OCCs</p>

<p>travel plans over the life of the plans.</p>			<p>costs of monitoring the travel plans over their life.</p> <p>Directly related - The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p>Fairly and reasonably related in scale and kind – The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
<p>Public Rights of Way</p>	<p>£21,428 index linked from September 2023 using Baxter index plus on site enhancement</p>		<p>Necessary - to allow the Countryside Access Team to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims. The contribution would be spent on improvements to the public rights of way in the vicinity of the development – in the ‘impact’ area up to 3km from the site, predominantly to the east, south and north of the site. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub- surfacing and drainage to enable easier access, improved signing and protection measures such as</p>

			<p>anti-motorcycle barriers. New short links between existing rights of way would also be included.</p> <p>Directly related - Related to rights of way and improvements arising from the development to support public rights of way enhancement.</p> <p>Fairly and reasonably related in scale and kind - Calculated on the basis of the impact arising from the development and the scale of the development</p>
Primary and Nursery Education	<p>£2,358,195 index linked from Index Value 327 of BCIS all in TPI index to deliver on site provision.</p> <p>£187,320 index linked from November 2020 using RPIx index plus on site enhancement towards land costs of acquiring the sites.</p> <p>£385,700 towards Primary School transport</p>	<p>Required timing of delivery of the school(s) is to be confirmed once there is a timescale for the development and will take into account the local context at that time, but typically, new primary schools within developments of this scale are needed by approximately 400-500 occupations.</p>	<p>Necessary – To deliver on site school capacity in accordance with Policy PR8</p> <p>Directly related – Related to the pupils generated by the development.</p> <p>Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil.</p>
Secondary Education	<p>£1,886,906 index linked from Index Value 327 of BCIS all in TPI index Secondary School Contribution</p> <p>£194,186 index linked from November 2020 using RPIx index plus on site</p>	<p>The delivery of the Secondary School complex is shown on the submitted parameter plans. Required timing of delivery of the school(s) is to be confirmed once there is a timescale for the development</p>	<p>Necessary – To deliver on site school capacity in accordance with Policy PR8</p> <p>Directly related – Related to the pupils generated by the development.</p>

	enhancement towards land costs of acquiring the sites	and will take into account the local context at that time	Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil.
SEN Development	£152,560 index linked from Index Value 327 of BCIS all in TPI index.	It is noted that the application is outline and therefore the above level of contributions would be subject to amendment, should the final unit mix result in an increase in pupil generation. An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary – Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school. Directly related – Related to the expected pupils generated by the development. Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil
Other OCC Transport	Traffic Regulation Order - £3,320 per TRO index linked from March 2022 using RPIX Index	To be agreed	Necessary – The highway improvements are identified through the work on the Transport

			<p>Assessment and the works are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate. Proportionate contributions would need to be identified towards the Travel Hub and Cycleway.</p>
Open Space Maintenance	Up to:	On transfer of the landscaping/phased contribution payment	<p>Necessary – Policy BSC 11: Local Standards of Provision- Outdoor Recreation, Table 7: Local Standards of Provision - Outdoor Recreation If Informal open space/landscape typologies/ play areas are to be transferred to CDC for long term management and maintenance, the following commuted sums/rates covering a 15 year period will apply. The typologies are to be measured and multiplied by the rates to gain the totals.</p> <p>Directly related – Commuted sums/rates covering a 15 year period on open space and play facilities on site.</p> <p>Fairly and reasonably related in scale and kind –</p>
	LAP - £50,279.76		
	LEAP - £202,989.56		
	Or		
	LEAP/LAP Combined - £228,387.53		
	NEAP - £493,887.47		
	Public Open Space - £16.09/sq. m		
	Hedgerows - £33.83/lin m		
	New Woodland - £44.54/sq. m		
	Mature Trees £356.21/tree		
	Ditch Maintenance £153.05/lin m		
	Swale Maintenance £153.05/lin m		
Balancing Pond £84.02/sq. m			
These figures are the latest available to Officers and may be increased to			

	reflect current rates in consultation and during the drafting of the s106.		Contributions are sought in relation to the scale and amount of open space on site.
Library Services	<p>£22,890 index linked from Index Value 349 of BCIS all in TPI index towards expanding capacity at Kidlington library.</p> <p>£6,831 index linked from December 2022 using RPIX index towards library stock at Kidlington library</p>	On first occupation or alternative agreed trigger	<p>Necessary – This site is served by Kidlington Library, but it is unable to accommodate such expansion. This development will nevertheless place increased pressure on the local library. Instead, to ensure Kidlington Library is able to provide for planned growth north of Oxford this library can be reconfigured with associated refurbishment to expand capacity within the existing footprint. The reconfiguration of the existing layout will be designed to make more efficient use of space by increasing shelving capacity; provide moveable shelving to allow for events and activities and, provide additional study space.</p> <p>Directly related – Kidlington Library is the nearest public library to the application site and is within walking distance of the site.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the library facilities, the adopted standard for publicly available library floor space is 23m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc.), totalling 27.5m² per</p>

			1,000 head of population. The forecast population for this site is 894 people. Based on this, the area of the library required is 24.6M2. Library stock requirement based on 1.5 items per resident at a cost of £9.12 per item.
Waste and Recycling (OCC)	£169,128 index linked from Index Value 327 of BCIS all in TPI index plus contribution towards the provision of bins for each property/dwelling.	On first occupation or an alternative agreed trigger	<p>Necessary: Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 300 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 1,200 HWRC visits per year. The provision of bins is considered necessary.</p> <p>Directly Related: Will be towards providing waste services arising from the development.</p> <p>Fairly and reasonably related in scale and kind. Calculated on a per dwelling basis total land required for current dwellings.</p>

Canal Towpath and Bridge	<p>Towpath: £24,129 index linked from October 2023 using Baxter Index</p> <p>Bridge to PR7b - £177,395 index linked from November 2023 using Baxter Index</p>	Appropriate timescale to be agreed	<p>Necessary: Policy PR8 sets out that provision for a pedestrian, cycle and wheelchair bridge over the Oxford Canal to enable the site and public bridleways to be connected to the allocated site at Stratfield Farm (PR7b). The development is likely to lead to a significant increase in additional towpath users, but the towpath in this location is not in a suitable condition to accommodate significant increase in users or provide an attractive active travel route.</p> <p>Directly Related: Yes, mitigation is sought as part of policy PR8 to promote movement and linkages. Yes, towpath is one of the key active travel and leisure routes available for the new development.</p> <p>Fairly and reasonably related in scale and kind Yes, based on the estimated cost for the works apportioned between the appropriate development sites.</p>
Railway Bridge	£203,550 plus associated infrastructure cost.	500 dwellings or otherwise agreed.	Necessary:

	Estimated cost of £4-6m. The bridge is to be direct delivered by the applicant of the larger PR8 site unless there is a change in position from Network Rail during the course of delivery of the development. A proportionate cost towards the delivery of mitigation is required.		<p>Ensure that the development provides and delivers all the onsite facilities proposed across the allocation.</p> <p>Directly Related: Facilities identified with the proposed masterplan and layout of both applications.</p> <p>Fairly and reasonably related in scale and kind. Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
Other on-site Facilities to be provided on site.	Allotments Play facilities.	To be agreed and in accordance with the Phasing and delivery of the on-site works.	<p>Necessary: Ensure that the development provides and delivers all the onsite facilities proposed across the allocation.</p> <p>Directly Related: Facilities identified with the proposed masterplan and layout of both applications.</p> <p>Fairly and reasonably related in scale and kind. Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
OCC Archaeology	£1,423 index linked from July 2023 using RPIX Index towards enhanced display capability at the Museum	To be agreed	Necessary: To ensure historic evidence is appropriately recorded and stored, as appropriate.

	Resource Centre at Stand lake near Witney. £690 index linked from July 2023 using RPIX Index towards the storage of archaeological archives at the Museum Resource Centre		<p>Directly Related: Yes, this is related to archaeological works and investigations on the site.</p> <p>Fairly and reasonably related in scale and kind. Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
Thames Valley Police	£50,976 to fund the future purchase of infrastructure to serve the development.	Trigger to be agreed.	<p>Necessary: Although the caselaw and documents referenced relate to Leicester and have been superseded over time. The contribution is in accordance with the Council's Developer Contributions SPD.</p> <p>Directly Related: Yes, this is related to enhancements to the police infrastructure.</p> <p>Fairly and reasonably related in scale and kind. Ensures that policing of the site occurs.</p>
CDC Monitoring Fee	CDC: £5,000	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule and OCC based on its OCC adopted scale of fees and charges and bond policy.
OCC Monitoring Fee	OCC: To be confirmed and a bond will be required in accordance with OCC bond policy.		

24/01908/OUT

Agenda Item 9

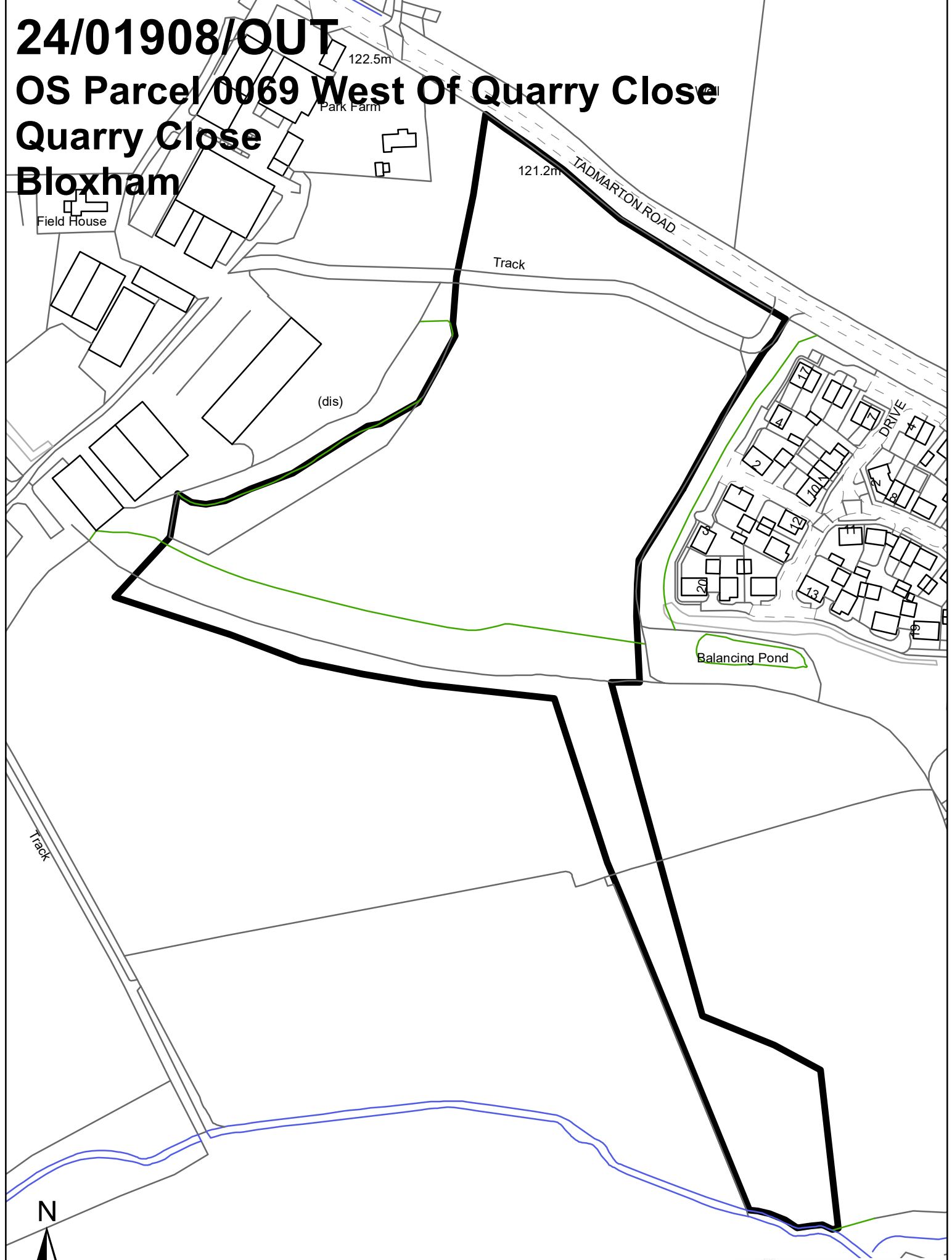
OS Parcel 0069 West Of Quarry Close
Quarry Close
Bloxham



1:2,600

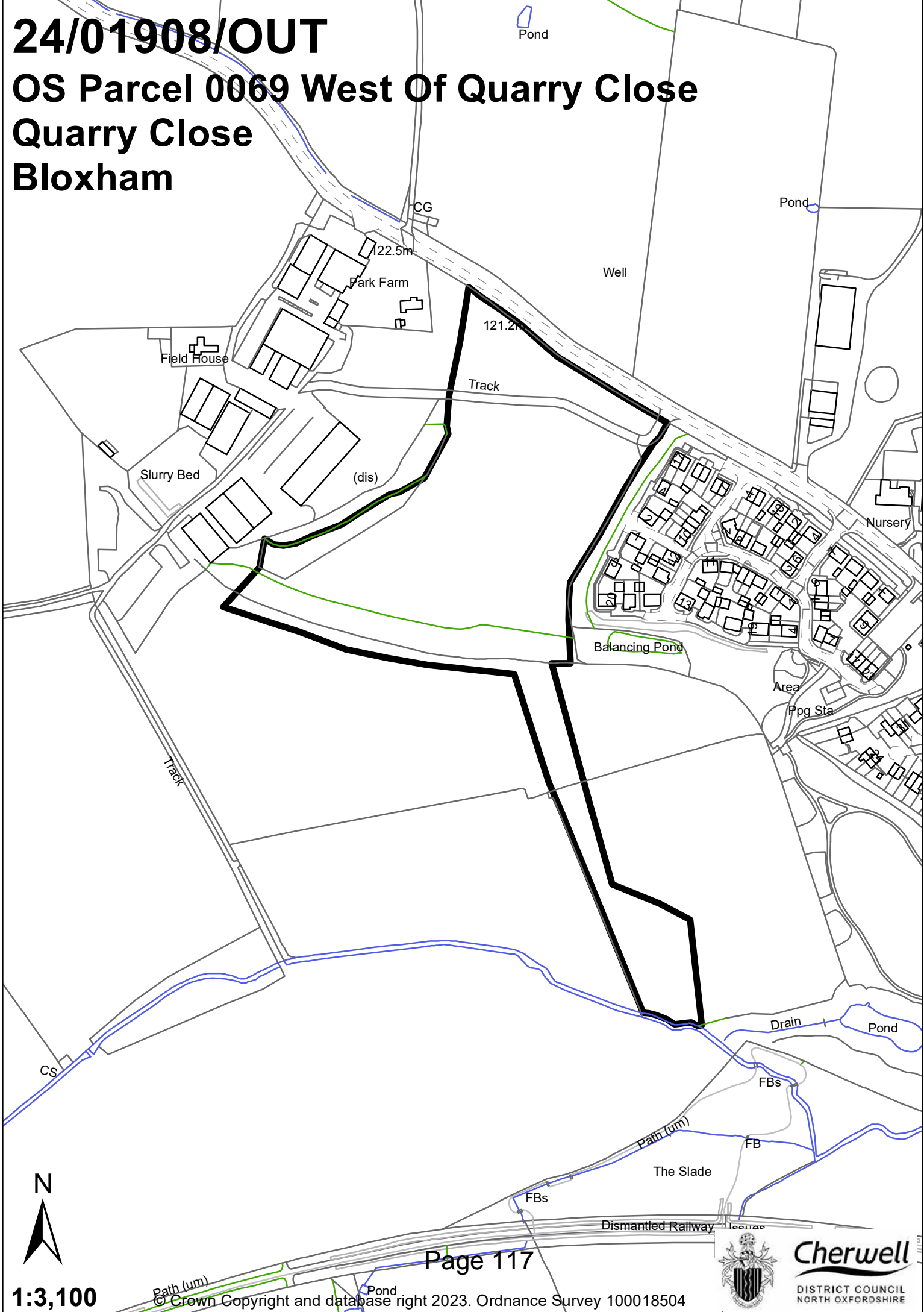
24/01908/OUT

OS Parcel 0069 West Of Quarry Close Quarry Close Bloxham



24/01908/OUT

OS Parcel 0069 West Of Quarry Close Quarry Close Bloxham



1:3,100



Case Officer: Andrew Thompson

Applicant: Gladman Developments Ltd

Proposal: Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All Matters Reserved except for means of access - re-submission of 23/01265/OUT

Ward: Adderbury, Bloxham And Bodicote

Councillors: Councillor Blakeway, Councillor Hingley, Councillor Pattenden

Reason for Referral: Major development

Expiry Date: 15 October 2024

Committee Date: 3 October 2024

SUMMARY RECOMMENDATION: REFUSE PERMISSION

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site is approximately 4.42 hectares in size and is agricultural land and access for Park Farm. The site is accessed via an opening at the northern boundary off Tadmarton Road.
- 1.2 The site immediately adjoins, but lies outside of, the adopted settlement boundary for Bloxham, and is therefore located within the 'countryside'.
- 1.3 The site is irregularly shaped polygon in a rough rectangular shape with a linear arm for drainage mitigation to the south.
- 1.4 Ground levels undulate across the site and would require alteration and changes in order to create the development platform for development. There are embankments and mitigation to the neighbouring development (Coleman Close) which may be impacted to create connections. No new landscaping is shown to the eastern edge of the site.

2. CONSTRAINTS

- 2.1. The application site is within Flood Zone 1 however surface water flood maps indicate that there is a low to high risk of surface water flooding in the low-lying southern areas of both fields. As such there may be a risk of ground water flooding in the lower lying areas of the site.
- 2.2. There are no trees which are subject to Tree Preservation Orders (TPOs). Hedgerows would be protected under Hedgerow Regulations.

- 2.3. There are no on-site Public Rights of Way but there are a number in the area which allows views of the development.
- 2.4. With respect to ecology, there are known species and habitats in the vicinity of the site in relation to great crested newts, badgers, swifts, water voles and otters, amongst the species present.
- 2.5. Park Farm is not subject to an Environmental Permit.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is in outline for 60 dwellings considering the matter of access.
- 3.2. The principal parameters of the outline planning permission are set out by the application as:
 - Up to 60 new homes, addressing the pressing need for new homes in the district;
 - The provision of up to 21 affordable homes to cater to the diverse housing needs of local residents, including those on lower incomes and key workers;
 - Vehicular access via a priority junction from Tadmarton Road;
 - Biodiversity Net Gain across the site through habitat and hedgerow unit increases;
 - New areas of high-quality open space and green infrastructure, including new pedestrian links, with full details of composition to be agreed at Reserved Matters stage;
 - New children's play area(s);
 - Tree belt planting to western boundary of open space to create a landscape buffer to the development and the adjacent farm;
 - A package of highways/sustainable transport improvements throughout the village; and
 - Sustainable Drainage feature which will be designed at Reserved Matters to be vegetated and mitigate the impacts of climate change.
- 3.3. The proposed access is shown on drawings (reference P22164-301 Rev P04), which shows the site will be accessed from Tadmarton Road, via a priority junction. The required visibility splays can be achieved. The existing farm access will be utilised in this respect with additional mitigation to Tadmarton Road for pedestrian and cycle users along Tadmarton Road. The position is in the same position as the existing farm access which will need to be relocated to elsewhere on Tadmarton Road with no access shown through the appeal site.
- 3.4. The proposed development area is in the northern part of the site, within existing disturbed ground, and comprises a single agricultural field bound to the north by Tadmarton Road, to the east by residential dwellings along Coleman Close, to the south by agricultural land and to the west by Park Farm.
- 3.5. The attenuation area is to the south of the embankment and tree belt, bound by agricultural land to the east and west and woodland to the south. The wider landscape to the north, south and west is largely agricultural and dominated by arable cropping, interspersed with woodland and nucleated settlements.
- 3.6. Since the determination of the application further assessments have been prepared including:
 - Ecological Impact Assessment report (TEP Report ref. 9731.02.010);
 - Protected Species Report – Amphibians (TEP Report ref. 9731.02.005);

- Protected Species Report – Badger (TEP Report ref. 9731.02.011);
- Protected Species Report – Bat Activity Report (TEP Report ref. 9731.02.008);
- Protected Species Report – Breeding Bird Report (TEP Report ref. 9731.02.007);
- Protected Species Report – Otter and Water Vole (TEP Report ref. 9731.02.006); and
- Protected Species Report – White-clawed crayfish (TEP Report ref. 9731.02.009).

3.7. The application is supported by the following:

- Site Location Plan (ref: D9731 001 Rev E)
- Development Framework (ref: Plan D9731 002 Rev D)
- Design and Access Statement
- Landscape and Visual Appraisal
- Transport Assessment
- Highways Technical Note following Oxfordshire CC Comments
- Framework Travel Plan
- Proposed Access Plan (ref: 0301 Rev P04)
- Ecology Assessment
- Arboricultural Impact Assessment in Support of Outline Planning
- Flood Risk Assessment & Outline Surface Water Drainage Strategy
- Air Quality Assessment
- Noise Screening Report
- Built Heritage Statement and Statement of Archaeological Impact
- Planning and Affordable Housing Statement

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

23/01265/OUT - Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access – Refused.

Appeal lodged – Inquiry to be held 8-11 October 2024.

The five reasons for refusal

1. The site is located outside the built form of Bloxham and within an area of open countryside. By reason of its location and the proposed scale of development,

the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Bloxham to the detriment of the character and appearance of the countryside.

2. By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g., food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel.
3. The siting and size of the development and the resulting loss of grade 1 agricultural land
4. Based on the advice from the Council's Ecologist and the holding objection issued by Natural England, further ecological investigation needs to be carried out before it is known whether the proposed development would be harmful to biodiversity on site. The evidence currently available demonstrates likely detrimental impact to protected species and their habitat and without more detailed investigation the Local Planning Authority cannot be assured that the harmful impacts could be mitigated and/or compensated.
5. The absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms.

17/02502/OUT – Outline planning permission sought for up to 136 dwellings (including 35% affordable housing), landscaping, public open space and green infrastructure including equipped children's local play areas, surface water flood attenuation, vehicular access from Tadmarton Road, land for recreational purposes and associated ancillary works. An outline application with all Matters Reserved except for the principal vehicular access from Tadmarton Road – Withdrawn in July 2018 following a recommendation of refusal.

- 4.2. It should also be noted that under application 23/00065/OUT (Land at Ells Lane, Bloxham) a further outline planning permission for up to 30 dwellings including access off Ells Lane and demolition of the existing stabling on site - All Matters Reserved except for access was allowed on appeal on 24 January 2024.
- 4.3. As part of Policy BL1 of the Bloxham Neighbourhood Plan the scheme identified was approved under planning permission 14/01017/OUT (85 dwellings) on 9 March 2015 and under 24/00953/CCS106E it is noted that the development is substantially complete, but work continues on the transfer and obligations related to the open space provision. These obligations are currently outstanding and will be due on transfer of the public open space to the Management Company and Banbury Town Council. The council is working actively with the developer to ensure the completion of these facilities to the council's satisfaction.
- 4.4. Next to the application site is another relatively recent development which was approved under 13/00496/OUT (Allowed on appeal under APP/C3105/A/13/2204000) granted permission for 60 dwellings on 27 March 2014.
- 4.5. APP/C3105/A/13/2189896 also granted permission for to 75 residential dwellings, landscape, open space, highway improvements and associated access at Land off Barford Road, Bloxham, Oxfordshire on 23 September 2013.

4.6. At the time of writing the report, the Proofs have been exchanged and rebuttal proofs are being prepared.

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal however there have been exchanges of Statements of Common Ground as part of the appeal process.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, and by advertisement in the local newspaper. The final date for comments is **10 October 2024**.

6.2. Neighbour letters were also sent out, but it appears that some of those letters were delivered by Royal Mail to Brixham in Devon. Officers have been contacted by residents of a development in Devon to advise of this error. In this respect Officers have therefore referred to comments received to the previous application.

6.3. Notwithstanding the administrative error of Royal Mail, 1 objection has been received stating that the outline proposal would lead to a significant material harm to the living conditions of neighbouring residents. Statutory consultees will advise on the material harm caused in term of traffic and the inability of the existing infrastructure including the primary school to accommodate additional development in principle.

6.4. 1 comment of support has been received stating that We need properties that will offer the availability of properties in a village.

6.5. For completeness to application 23/01265/OUT a total of 189 comments of objection were received (including two after the publication of the report). These comments were:

- Proposal not in accordance with 2015 Local Plan policies Policy Villages 1 and 2 and ESD13, saved 1996 Local Plan policies H12, H13, H18, C8, C9 and C27 and Bloxham Neighbourhood Plan policies BL1, BL2 and BL9 – it is not an infill or a small development of less than 10 dwellings;
- No need for such development when the District has a 5.4-year housing land supply;
- Beyond built-up limits of Bloxham, in open countryside;
- Unneighbourly relationship with nearby dairy farm;
- Loss of Cat.1 & 2 Best and Most Versatile Agricultural land;
- Potential impact of Pumping Station to residential amenities;
- Increased safety risk with children crossing road to access School;
- Bloxham has already accommodated four other major developments and 220 dwellings in eight years and needs no more;
- Bloxham's infrastructure already over-stretched, with its GP, dentist, school, churchyard and drainage system all at capacity;
- Harm to landscape appearance of countryside and rural setting of Bloxham; • Harmful impact to ecology/biodiversity;
- Increased risk of flooding;
- Risk of pollution to Bloxham Brook;
- Insufficient highway capacity to cater for increased traffic generation, with Tadmerton Road and High Street already congested at peak period;
- Loss of dog-walking land;
- Any consent would set a dangerous precedent for potential further development on adjoining land controlled by this applicant.

6.6. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

7.2. BLOXHAM PARISH COUNCIL: **objected to the original scheme** (now at appeal) on the grounds. Comments to this application have not been received:

- Bloxham is a Cat A village, but it has grown significantly in recent years and its facilities are at or beyond capacity and Cat A villages have now exceeded the 750 target level;
- Severe lack of infrastructure for an additional 60 dwellings;
- Council can already demonstrate a 5-year housing land supply, so no 'tilted balance' need for these dwellings;
- Outside village confines;
- No defined housing need in Bloxham;
- Conflicts with Local Plan (policies Villages 2, BSC4 & ESD10), Bloxham Neighbourhood Plan (policies BL2, BL4, BL7, BL8, BL9 & BL11) and NPPF paragraphs 74 and 174;
- If CDC is minded to approve, any consent should include S106 requirements for infrastructure funding to mitigate impacts in the village including extension to the Primary School.

7.3. OCC HIGHWAYS: **no objections** subject to S106 Contributions related to public transport and traffic regulation orders, conditions and an obligation to enter into a s278 agreement towards improvement of the access and pedestrian links along Tadmarton Road. Other obligations include off-site highway works – Bus stop infrastructure improvements and suitable crossings of Tadmarton Road.

7.4. BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE INTEGRATED CARE BOARD (BOB ICB): **No objection** subject to contributions being sought. This Primary Car Network (PCN) area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Bloxham Surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming. A contribution of £51,840.00 is sought.

7.5. THAMES VALLEY POLICE: Whilst I **do not object** to this application, I ask that an addendum is added to the DAS which comprehensively addresses the issue of safety and security across the site prior to outline permission being granted. At this juncture, I would like to request and encourage the applicant to engage with Thames Valley Police at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible. Planning condition relating to lighting suggested.

7.6. FIRE SERVICE (OXFORDSHIRE): It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service where applicable, to ensure compliance with the functional requirements of The Building Regulations 2010. It is taken that fire service vehicle access and water facilities for firefighting activities will be provided in accordance with AD(B).

7.7. Environmental Health:

General: A Construction Environment Management Plan (CEMP) should be conditioned.

Noise: Having read the noise screening report provided I am satisfied with its methodology and agree that mitigation (if required) could be secured at the full planning stage once the final layout has been settled upon.

Contaminated Land: Having read the phase 1 reports provided I agree that further Phase 2 investigation is required to ensure the risk from contaminated land is fully assessed and remediated (if required). I would therefore recommend that conditions are placed on any permission granted:

Odour: No development shall commence until an assessment on the potential for odour from adjacent agricultural uses has on the development hereby permitted has been submitted to the Local Planning Authority. If the assessment indicates that odour from the adjacent uses is likely to affect residential amenity, then a detailed scheme of mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Light: Prior to the first use of the development hereby approved details of the external [lighting/security lighting/floodlighting] including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

7.8. THAMES WATER: Overall, **no objection** subject to conditions.

FOUL WATER: Thames Water has identified an inability of the existing network to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available. As such Thames Water request conditions.

Surface Water: Approval should be sought from the Lead Local Flood Authority.

Water Comments The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission.

7.9. RECREATION & LEISURE: **No objection** - Seek contributions towards Community Hall Facilities, Outdoor Sport, Indoor Sport and Public Art/Public Realm

7.10. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions.

7.11. OCC EDUCATION: **No objection** subject to S106 Contributions towards Primary and Nursery, Secondary and Special Education needs totalling £815,000.

7.12. OCC ARCHAEOLOGY: **No objection** - The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

7.13. OCC WASTE MANAGEMENT: **No objection** subject to S106 contributions towards expansion and efficiency of Household Waste Recycling Centres (HWRC)

7.14. ENVIRONMENT AGENCY: **No comment received** but as a duplicate application to the appeal scheme the comments and Statement of Common Ground to the appeal have been relied on.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 2011 - 2031 (PART1) PARTIAL REVIEW - OXFORD’S UNMET HOUSING NEED

- PR1: Achieving Sustainable Development for Oxford’s Needs
- PR2: Housing Mix, Tenure and Size
- PR3: The Oxford Green Belt
- PR4a: Sustainable Transport
- PR4b: Kidlington Centre
- PR5: Green Infrastructure
- PR11: Infrastructure Delivery
- PR12a: Delivering Sites and Maintaining Housing Supply

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Bloxham Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

BLOXHAM NEIGHBOURHOOD PLAN

- BL1 - Development of approximately 85 dwellings is supported to the south of Milton Road
- BL2 – Types of Development Permitted
- BL3 – Access to Village Services
- BL4 – Parking
- BL6 – Water Usage
- BL7 – Flood Risk
- BL8 – Housing Adaptable to Demographic Change
- BL9 – Residential Amenity, Infrastructure and Highway Safety
- BL11 – Character, Design and Materials

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Consultation Draft National Planning Policy Framework and Written Ministerial Statement
- Regulation 18 Draft Local Plan and Associated Evidence.

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development, Housing Supply and Oxford Unmet Housing Need
- Sustainability of the application site and relationship to the facilities
- Landscape Impacts

- Design, and impact on the character of the area.
- Highways
- Ecology impact
- Relationship to Park Farm – Noise and Air Quality
- Flooding and Drainage
- Planning Contributions.

Principle of Development Housing Supply and Oxford Unmet Housing Need

- 9.2. A substantial amount of evidence has been prepared and submitted as part of the planning appeal and evidence on behalf of the Local Planning Authority and the applicant have been taken into account.
- 9.3. As set out above, the Council's adopted Development Plan comprises saved policies of Cherwell Local Plan 1996, Cherwell Local Plan 2011-2031 and Cherwell Local Plan Partial Review (Part 1) relating to Oxford's Unmet Housing Need. The Bloxham Neighbourhood Plan also forms part of the Development Plan.
- 9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, 'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, 'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031. However, the Regulation 10A review of the Local Plan concluded that Policy BSC1 requires updating due to new evidence in the form of the Housing and Employment Needs Assessment (HENA) 2022. 9.7. Paragraph E.10 of the Plan states, 'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'.
- 9.7. The Council's Development Plan has been tested on numerous occasions and its application it is clear that Bloxham as a Category A village has a role to play in helping the District meet its housing land supply needs.
- 9.8. In this respect during the plan period (since 2011) there has been c.220 dwellings approved in Bloxham. One site forms part of the BL1 of the Neighbourhood Plan. However, it should be noted that as all these sites were approved prior to the Adoption of the current Local Plan in 2015 they are not counted towards the 750 figure in Policies Villages 1 and 2.
- 9.9. Developments on strategic sites which have moved slower than expected but with a number of permissions in place and developers on site, there appears to be increasing momentum towards the delivery of housing, particularly to the south of Banbury (Wykham Park development).

- 9.10. Therefore, whilst the proximity of Bloxham to Banbury should be noted in providing services and potential facilities the impact to the settlement of Bloxham itself also should be balanced and the impact of the gap and its potential loss and the settlement identity (related to saved policy C33 of the 1996 Plan) are matters which require balance.

National Planning Policy Framework

- 9.11. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.12. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

- ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.13. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

- 9.14. Paragraph 12 advises, 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

- 9.15. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'. 9

- 9.16. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum

of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). Housing Land Supply Position Statement (Update) January 2024

Housing Land Supply Position Statement January 2024

- 9.17. The former NPPF (September 2023) contained a requirement to include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement. It is noted that there are expected changes to the supply of housing as part of the amendments proposed to the NPPF under the new Government.
- 9.18. It is advised at paragraph 226 of the revised NPPF:
- “From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework.”*
- 9.19. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”
- 9.20. The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a 'four years' worth of housing' measured against a five year housing requirement.
- 9.21. At a relatively recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford's unmet housing need in the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).
- 9.22. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.
- 9.23. In the appeal decision at Chesterton (reference: APP/C3105/W/23/3331122), in respect of Housing Supply, the Inspector did not reach a conclusion as he found that the proposal was consistent with the development plan policies for the area. This conclusion is common to other recently decided appeals, including that relate to a site at Ambrosden (reference: APP/C3105/W/23/3327213). It is also considered that in the recent appeal decisions around Banbury have not replicated the Heyford Park approach.

- 9.24. The LPA has launched legal proceedings for a challenge to the conclusions reached by the Inspector in the Heyford Park case (and the basis for the decision making) and this has been granted by the Courts with a Hearing expected in November 2024. Dorchester Land (the applicant to Heyford Park) has also been successful in having grounds heard. Officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.
- 9.25. Members will be aware there are a number of disputed sites across the District which has formed part of common ground in appeal hearings and inquiries over the previous months. This relates to the delivery of strategic Banbury, Bicester and Heyford Park sites.
- 9.26. On that basis, officers consider that placing reliance on the Heyford decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk.

Oxford Unmet Housing Need

- 9.27. The applicant suggests that the appeal proposals would support the delivery of housing to meet Oxford's Unmet Housing Need. It should be noted that a key aspect of these Policies is to deliver 50% affordable housing which is not proposed by this development. Furthermore, the proposals would offer no contribution to support the proposed transport infrastructure (e.g. Park and Ride/Mobility Hub) at Oxford Airport.
- 9.28. Firstly, the Council adopted its Local Plan Partial Review (Part 1) in September 2020 and as such the plan is less than five years old and as such represents an up-to-date Local Plan.
- 9.29. In reaching this agreed position, the Council prepared the Partial Review of the Local Plan which, having explored and assessed 147 sites around the district, including Bicester and its surrounding area, concluded that the best 'unmet need' sites that would support Oxford whilst not undermining Cherwell's own Spatial Strategy, would be in Kidlington, Yarnton, and parts of the Green Belt on the edge of Oxford. These sites are known as PR sites. Policy PR12a of that Plan sets out the approach.
- 9.30. This Partial Review 2031 has been through the rigour of an Examination in Public whereby it was supported by the Inspector, and then formally adopted on the 7 September 2020. The Inspector, in his Report on the Examination of the Cherwell Local Plan 2011 - 2031 (Part 1) Partial Review – Oxford's Unmet Housing Need (See Core Document xx), endorsed the Council's strategy in helping Oxford deliver its unmet need whilst not undermining Cherwell's own spatial strategy. In paragraphs 33 and 34, the Inspector commented:

"Informed by the evidence base, including the SA, and a consultation process, Options C to I (inclusive) were ruled out on the basis that they are too remote from Oxford to accommodate communities associated with the city; they are too far away from Oxford to be well-connected by public transport or walking or cycling, and therefore likely to result in increased use of the private car; more dispersed options provide less potential for infrastructure investment in terms, for example, of transport and education; and significant additional housing could not be built at Bicester, Banbury and RAF Upper Heyford before 2031 alongside major commitments already made in the adopted Local Plan 2015. On top of that, it was concluded that Options C to I (inclusive) would have a greater detrimental impact on the development strategy for the District set out in the Local Plan 2015.

Notwithstanding that they are largely located in the Oxford Green Belt, Options A and B were considered by the Council to be much better solutions to meeting the unmet

need. They were identified as such largely because of their proximity to Oxford with public transport links already available and ready potential to maximise its use, alongside cycling and walking, thereby creating travel patterns that are not reliant on the private car. Moreover, these areas already have a social and economic relationship with the city that can be bolstered. Importantly too, these options would allow affordable homes to be provided to meet Oxford's needs close to the source of that need. Finally, the proximity to Oxford and separation from other centres of population in Cherwell means that Options A and B would be unlikely to significantly undermine the development strategy in the Local Plan 2015."

- 9.31. In paragraph 43, the Inspector concluded: "Taking all these points together, the vision and spatial strategy of the Plan have been positively prepared; they are justified; and likely to be effective.
- 9.32. In terms of delivery the Council and developers have been working on delivery of planning applications and housing. In October 2023 planning applications for two sites were granted a resolution to grant planning permission subject to the completion of a s106 agreement (reference: 22/01611/OUT – 118 dwellings and 22/00747/OUT – 370 dwellings) and further in December 2023 a further 96 dwellings were granted a resolution to grant planning permission subject to the completion of a s106 agreement under reference 22/03883/F. Full planning permission has been granted for 5 dwellings under 22/01756/F and 22/01757/LB which relate to the conversion of the listed farmhouse and its associated farm buildings. These sites are related to allocations PR7a and PR7b. This totals 589 dwellings with a resolution to grant planning permission demonstrating progress towards delivery of the allocations in the Local Plan. Work on these s106 Agreements are instructed and being progressed.
- 9.33. Allocation PR9 (540 dwellings) – Land West of Yarnton – 21/03522/OUT and APP/C3105/W/23/3329587 was approved in February 2024 following a non-determination appeal on matters of highway and viability considerations.
- 9.34. The Local Planning Authority progressed application 23/02098/OUT (PR8) to planning committee on 5 September 2024 which would equate to 1,800 homes and Science Park extension. It is expected that the final application which forms part of the allocation 23/03307/OUT will be progressed to Committee in October 2024 for 300 homes.
- 9.35. At the time of writing the s106s for 22/01611/OUT and 22/00747/OUT have been advanced and are being circulated for engrossment with the remaining s106 22/03883/F well advanced and likely to be circulated for engrossment in the near future.
- 9.36. The appeal site would not deliver the level of affordable housing (50%) that other Partial Review sites would deliver and would not contribute towards infrastructure as part of the Partial Review.
- 9.37. Affordable Housing requirements in relation to Oxford's Unmet Housing Needs is managed in a co-ordinated manner between Housing Teams of the City Council and the District Council. The Housing Needs and Register is related to those in need of accommodation but with a requirement for a close relationship to the City and access to public transport into Oxford.
- 9.38. Public transport in Bloxham is between Chipping Norton and Banbury requiring therefore changes and lengthy journeys would be required to access Oxford by public transport.

- 9.39. It is noted that the appeal site is distant and unconnected to Oxford and therefore the provision of affordable housing would be towards the District's Housing register and not the City Council's.
- 9.40. However, it is noted that through increased housing numbers on this site and others the number of affordable dwellings would plan for in the Partial Review could still be achieved.
- 9.41. As such, the conclusions of the Inspector into the Partial Review are salient and material in that the appeal site would not support the delivery of housing to meet Oxford's Unmet Housing Need and the Local Plan is in the early stages of delivery with the Council proactively progressing the allocations within the Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need. The proposals would be contrary in this respect to Policies PR1, PR4a and PR11 of the Partial Review.
- 9.42. At three years old, is an up-to-date Plan and strategy document and is a material consideration and, with the recent resolutions to grant permission, a significant proportion of the supply set out in the Partial Review, has now permission or a resolution to grant.

Policy Villages 1 and 2

- 9.43. Bloxham is categorised by Policy Villages 1 as a sustainable settlement, in this context it is noted that developments prior to the adoption of the 2015 plan (c.220 dwellings) were approved but this growth has still been approved and generally built within the plan period. A further permission at Ells Lane has also been granted and a number of other small-scale developments have also been approved within the confines of the village.
- 9.44. The figure of 750dwellings has now been significantly exceeded District-wide, with permissions and completions exceeding 1,000dwellings. However, as rehearsed numerous committee reports and appeals the 750 figure is not a ceiling. Sustainable development should still be approved where the site is in a good location and the scheme would meeting most, if not all the criteria of PV2. It should be noted that the criteria stated are not a closed list.
- 9.45. The growth of Bloxham has generally been to the east of the settlement due to the better relationship between the east and the road network and connections to the centre and services. Growth to the west (which is the location of this application site) is generally more difficult due to the lack of connectivity to the shops, services and public transport.
- 9.46. Whilst the applicant, in their appeal and supporting documentation considers that the proposals meet the criteria of Policy Villages 2, Officers do not agree. In the consideration of the policy and the associated criteria the below is set out:

Policy Villages 2 Criteria	Officer Assessment
Whether the land has been previously developed land or is of lesser environmental value	<p>The site is greenfield and is not of lesser environmental value.</p> <p>Not in compliance</p>

<p>Whether significant adverse impact on heritage or wildlife assets could be avoided</p>	<p>There would be an impact on farmland bird habitats however the proposals would deliver an enhanced provision through the mitigation.</p> <p>Could be in compliance if delivered appropriately through the recommendations of the Ecology Statement of Common Ground.</p>
<p>Whether development would contribute to enhancing the built environment</p>	<p>Whilst the final design of the scheme is not being considered at this stage, a development of this scale, in this location, would result in an adverse effect on the character and appearance of the area which would not enhance the built environment: the proposal would amount to an urban estate outside the settlement boundary changing the interpretation of the settlement and its approaches and harming the integrity of the Farm and village boundary.</p> <p>Not in compliance</p>
<p>Whether best and most versatile agricultural land could be avoided</p>	<p>The site is within the countryside with agricultural land.</p> <p>Could be in compliance</p>
<p>Whether significant adverse landscape and impacts could be avoided</p>	<p>The appeal scheme substantially breaches criterion 5 because the scale and siting of the development would result in unavoidable material harm to the existing</p>

	<p>landscape, as identified by the Council's Landscape Consultant</p> <p>Not in compliance</p>
Whether satisfactory vehicular and pedestrian access/egress could be provided	<p>The Highway Authority are satisfied that access to the site could be provided however the impacts of mitigation necessary to link the site to encourage walking and cycling would have an adverse impact on the landscape character.</p> <p>Complies (but impacts on other criteria)</p>
Whether the site is well located for services and facilities	<p>Other than the Primary School, there are no facilities within reasonable walking distance in the area to meet day to day needs. The local school would require extension and additional capacity. See other part of the Report.</p> <p>Not in compliance</p>
Whether necessary infrastructure could be provided	<p>Whilst there are potential improvements to the highway and contributions sought towards education and other infrastructure. There are no infrastructure elements which are proposed to meet day-to-day needs or to bring facilities within reasonable walking distance.</p> <p>Not in compliance</p>
Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period	<p>There is no evidence that the development could not be delivered within the plan period (by 2031)</p> <p>Complies</p>

Whether land the subject of an application for planning permission could be delivered within the next five years	The development could be delivered within the next five years. Complies
Whether the development would have an adverse impact on flood risk.	There are areas of the site which are subject to surface water flooding however the development proposals could include appropriate sustainable drainage to manage and mitigate flooding from the development. The Environment Agency have agreed a Statement of Common Ground. Complies

9.47. In the consideration of the previous refusal therefore the application site, whilst in a village categorised as sustainable, the distances and landscape impacts of the proposals are not considered to be acceptable. Therefore, the proposals would be considered contrary to Policy Villages 2 and therefore the aims of other policies of the Development Plan.

Sustainability of the application site and relationship to village facilities

9.48. Policies ESD1 and Villages 2 collectively encourage development to be located in the most sustainable locations, well located to services and facilities, amongst other things. Policy BL3 of the Bloxham Neighbourhood Plan is also relevant in this regard.

9.49. This aim is echoed by the NPPF in that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

9.50. Distances are set out as being typically 800m for walking and 2km for cycling. This is important because Manual for Streets (MfS) states that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes/800m walking distance of residential areas. This is supported by similar guidance from Sustrans and the principals of the 20min neighbourhood. This is a realistic distance when considering convenience, inclement weather, when accounting for young children, those with mobility issues and the distance and time taken to undertake a whole journey, including the return leg.

9.51. The applicant notes guidance from the which indicate that this distance could lengthen this journey distance. However, it should be noted that this guidance is predominantly guidance which relates to urban centres and where wide and good links are capable with minimal levels changes however this does not take account of the specifics of

the site and there is also a need to cross roads and footpath width and the rural nature of the road. Further the applicant measures the distance from the site entrance and not the centre of the site.

- 9.52. Accordingly, the application scheme would not be part of a walkable neighbourhood, and this would notably curtail opportunities to inclusively promote walking. The impact of this needs to be considered in the context of the large number of homes being proposed. MfS also indicates that 800m is not an upper limit and states, with reference to PPG13, that walking offers the greatest potential to replace short car trips under 2,000m. However, PPG13 is no longer extant and therefore this should be given limited weight. National Travel Survey (NTS) which indicates that 80% of walking journeys are under 1,600m/one mile. However, it should be noted that the distances between public transport, shops and services and the site are significant when taken into context with the topography and nature (width and condition) of the footpaths.
- 9.53. Officers have been unable to replicate the times stated by the applicant in the appeal, particularly when crossing the A361 and noting the pavement, width, condition and generally topography changes, and therefore question over the reliability of this evidence and walkability of the site and connections must be factored.
- 9.54. The County Council note that there is significant concern regarding the accessibility of the site using sustainable modes of transport. Section 3.2 of the Design & Access Statement includes a map of local facilities and the walking distances and times to them. It should be noted that the time/distance isochrones are taken as a radius from the centre of the site, whereas the route via the only pedestrian access point will add at least 60m, as demonstrated below: It is evident that the majority of facilities in Bloxham are spread out along the A361, mainly being about 1200m or 15-minutes' walk from the centre of the site. It will be necessary, as proposed, to provide a footway along the south side of Tadmarton Road to link up with the existing facility eastwards from Faulkener Road.
- 9.55. The Transport Assessment identifies the closest bus stops to the development and states the distance to them as approximately 800m, although examination of Google Maps (and Officers walking the route) indicates it to be nearer 950m-1km with the Co-op shop at over 1.24km from the site entrance. This distance is considerably further than would be considered to be optimal to maximise the attractiveness of using the bus as a journey choice. It should be noted that much of the site is actually considerably further than 950m from the stops. The bus stop towards Chipping Norton has a shelter, the bus stop towards Banbury is unmarked and has no waiting facilities at all. The bus stop towards Banbury is where most passengers from Bloxham are likely to be waiting from.
- 9.56. Furthermore, the proposed development framework plan would include development set back from the road. The route is also not consistent with the footpath in places narrowing to around 1m particularly around Cumberford and Cumberford Hill and in order to access the limited services of the petrol filling station Londis store there would be a need to cross the A361.
- 9.57. Taking into account the characteristics of the journey and the distances involved, it is likely that the proposals would be dependent on the private car and therefore contrary to the requirements of Policy ESD1 which require development to be located in areas better served by alternative modes of transport.
- 9.58. In summary, the Framework establishes a movement hierarchy by stating that developments should give priority to pedestrian and cycle movement and then, so far as possible, facilitate access to public transport. This makes perfect sense as personal active travel is the most affordable, resilient and low impact mode of

transport. The appeal scheme would not be within a walkable neighbourhood despite the works that would take place to improve pedestrian connectivity, and this is a significant limitation to this mode being a genuine transport option. Alternatively, there would be genuine opportunities to cycle, but there would be inherent limitations with the uptake of this mode. As such, most residents of the appeal scheme would not be predisposed to regularly engage in active travel with the benefits this accrues, including to their health. This is an important point against the scheme.

- 9.59. That said, the impact would be moderately offset by the availability of some facilities within longer walking distances, which could be accessed occasionally on foot. These longer walks would, on the whole, be along level, lit pavements but these would be varying in quality and width and also include inclines and at best could be described as undulating. The site is poorly related to bus stops considering the distance between the site and the services and although not an objection of the County Council the significant concerns raised are material.
- 9.60. Overall, the previous reason for refusal on the distances to shops and services remains a material issue and consideration.

Landscape Impacts

- 9.61. Policy ESD 13, in the interpretation of Policy Villages 2 criteria, states that 'opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows'.
- 9.62. Policy ESD 13 further explains that developments will be expected to respect and enhance local character, and will not be permitted if they would:
- Cause undue visual intrusion into the open countryside.
 - Cause undue harm to important natural landscape features and topography.
 - Be inconsistent with local character.
 - Impact on areas judged to have a high level of tranquillity.
 - Harm the setting of settlements, buildings, structures or other landmark features, or
 - Harm the historic value of the landscape'.
- 9.63. The proposals in the view of Officers does cause undue visual intrusion into the open countryside' albeit that Bloxham's western 'edges' have several instances of historic visual intrusion into the open countryside. Even the most recent addition to the westward spread of Bloxham, the Miller Homes development off Faulkener Road, constitutes a visual intrusion into the countryside particularly in view of the red brick chosen for most of the development which does not mimic the softer dappled reds of the core village. At least though, the wide native screen planted along the western edge of this development appears to acknowledge that this is now considered to be the edge of the urban area, beyond which is countryside.
- 9.64. Although the development proposals are supported by a scheme of landscaping which will, in time, contain and soften the impact of the development, this will not result in a net gain that will compensate for the loss of the undeveloped field and nor will it 'secure the enhancement of the character and appearance of the landscape' given

the negative impact on the current open field condition. The undeveloped field is a component in the wider rural setting of the western edge of the village and its existence is even more significant now that it is the only space left between the edge of the village and Park Farm. The existing trees and hedgerows on the appeal site margins have an intrinsic value as self-seeded indigenous vegetation supporting similarly indigenous wildlife particularly birds. They will not be improved by their inclusion in a scheme of landscape designed to contain the landscape and visual impacts of a residential development as the wide, open space that they define will have been replaced with housing.

- 9.65. Providing 'a mature setting to the new development' but the naturally wild and ragged hedgerows and trees around some of the periphery will appear incongruous against the formality of a housing development will do nothing more than hide the new development from some directions. The existing boundary vegetation on the east side is new planting which currently contributes limited screening between the appeal site and the adjacent occupied housing.
- 9.66. The applicant's Landscape Strategy is stated as having been formulated around a strong and legible landscape framework. This will provide usable public open space for local residents and an attractive setting for new development on the western edge of Bloxham that maintains a green entrance to the settlement. The open space will also provide improved habitat and wildlife areas around the Site and accommodate sustainable drainage requirements.
- 9.67. Officers consider that the 'Landscape Strategy' is simply reactive to site conditions and that the scheme is not landscape led. The site layout retains an awkwardly shaped open space on Tadmarton Road which is intended to 'maintain the green approach to the village'. However, this area is approximately 2m higher than the rest of the site and its redevelopment may be problematic anyway due to the level difference. The form of the built layout has a small 'green' at the centre where the axial access roads cross. This is insignificant in its contribution to the quality of the built environment, and neither is it 'in keeping with the character of the village' because it is just a road junction with verges with no room for future mature trees.
- 9.68. The 'Illustrative Layout' states that 'The focal point at the centre of the development is defined by green space and feature buildings defining vistas and in keeping with the historic character and layout of the village'. In fact, I consider that the 'Illustrative Layout' shows a generic scheme which is typical of the current built form of new residential developments and more in keeping with a large town context.
- 9.69. The DAS evokes the idea that the development on the appeal site will draw its inspiration and character from the core village of Bloxham in terms of layout and materials but then fails to describe, even in outline, how that might appear.
- 9.70. In addition to being elevated 2m above the main site levels due to historic quarrying, the northern open space is an area of significant archaeological interest and has not necessarily been advocated because it's the right thing to do in design terms to have an open space on the frontage of the site. The adjacent Miller Homes development relates directly to Tadmarton Road as one would expect in a village environment and in common with the core of Bloxham. The development on the appeal site doesn't particularly relate to any outside feature and is an isolated inward-looking entity within its own screened boundaries.
- 9.71. The appeal site is just one field which is perhaps atypical of the wider landscape character but quite typical of the Bloxham Character Area with boundary hedgerows and woods albeit that it is formerly quarried land. It has a wider role as one small element in the setting of Bloxham village particularly in this vale.

- 9.72. Development on this site will do more than just extend the village of Bloxham further into open countryside as it will link the existing edge of the village with Park Farm complex to the detriment of the setting of the village.
- 9.73. It is considered that the proposals would conflict with Policies ESD13, ESD15 and Policy Villages 2 of the Cherwell Local Plan (2011 – 2031) Part 1, saved policies C28, C30 and C33 of the Cherwell Local Plan 1996 and the Bloxham Neighbourhood Plan.

Design, and impact on the character of the area.

- 9.74. Policy ESD 15: highlights that ‘good design is founded on an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design’. ‘New development proposals should contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting’. Policy BL11 on Contributing to the Rural Character of the Village states all development shall be encouraged to respect the local character and the historic and natural assets of the area. The design and materials chosen should preserve or enhance our rural heritage, landscape and sense of place.
- 9.75. Further Policies ESD13 of the Cherwell Local Plan (2011 – 2031) Part 1, saved policies C28, C30 and C33 of the Cherwell Local Plan 1996 are also relevant considerations. These policies are material in the interpretation of the criteria of Policy Villages 2.
- 9.76. In Officers opinion the proposed development does not contribute positively to the area’s character because it is effectively an isolated extension with a built form that could be located anywhere. It is a self-contained unit enclosed on all sides by trees and in terms of ‘sensitive siting’ the development fails to integrate as a sustainable extension to the village. The Design and Access Statement describes the ‘Townscape Character’ of the core of Bloxham in the Conservation Area. It notes the following;
- The medieval street pattern;
 - Large manor houses on areas of high ground;
 - Buildings constructed of local ironstone; and
 - Formal footpaths which run through the village in the form of alleys and lanes.
- 9.77. The ‘Illustrative Layout’ in the Design and Access Statement exhibits none of the design idioms described above but illustrates a typical modern housing development which could be anywhere. Page 55 of the DAS also describes a ‘focal point at the centre of the development (which) is defined by green space and feature buildings defining vistas and in keeping with the historic character and layout of the village’. In my opinion the ‘focal point’ is nothing more than a road junction with wide verges which doesn’t provide space for significant trees to grow to maturity and has no connection with the historic character and layout of the village.
- 9.78. The highway mitigation that would be considered to be necessary to create links to the surrounding area would also have an adverse impact on the character of the area.

9.79. Overall, it is considered that the appeal scheme would conflict with Policies Villages 2, ESD13 and ESD15 of the Cherwell Local Plan (2011 – 2031) Part 1, saved policies C28, C30 and C33 of the Cherwell Local Plan 1996 and the Bloxham Neighbourhood Plan.

Highways

9.80. Notwithstanding the comments on sustainability County Council Officers set out that that because the application seeks outline approval, details of site layout to include street geometries and parking will be a Reserved Matter. Notwithstanding, a suitable level of car and cycle parking will be provided for residents with reference to OCC's adopted parking standards.

9.81. On trip generation and distribution, the TA accompanying this application seeks to estimate the amount of traffic that shall likely be generated by the development and what impact this might have on the adjacent transport network. Trip rates have been determined using the TRICS database.

9.82. The submission predicts that there will be about 30 and 29 two-way movements in the AM and PM peak periods respectively. As such it is considered that the volume of traffic as set out in the TA is a reasonable prediction of what might generally be generated on a day to day basis.

9.83. OCC has in the past objected to two major applications in Bloxham (17/02502/OUT and 19/01705/OUT) due to the impact on the mini-roundabout junction at the intersection of Barford Road, South Newington Road (A361S) and Church Street (A361N). The differences between these applications and the current application are as follows:

9.84. 17/02502/OUT - This was on the same plot as the current application but was for 136 dwellings. Therefore, there would be 2.3 times as many generated vehicle trips. The current application reasonably calculates 11 AM peak hour development trips through the junction, whereas this would be 25 for 17/02502/OUT.

9.85. 19/01705/OUT - This was for 95 dwellings on the A361S. All northbound traffic from this site would have passed through the junction, whereas it will use Courington Lane from the current application site. There would have been 43 generated AM peak hour trips, compared to the 11 from the current application.

9.86. A one-day survey of traffic movements through the junction has been undertaken and included in the TA. Although there are daily fluctuations, the survey may be compared to that provided with 19/01705/OUT as that was in the same month (see page 26 of the TA). The comparison shows an overall reduction of 12% in the AM peak and 15% in the PM peak between 2017 and 2023.

9.87. This appears large relative to the daily reduction of 3-4% across the whole county. However, I have checked a traffic counter on the A361 nearer Banbury, and it does show a significant reduction of flows, both peak and off-peak, following the covid pandemic. ARCADY analysis of the roundabout junction has been undertaken and indicates that there is spare capacity.

9.88. Given that the development will only generate 11 movements through the junction in both the AM and PM peaks, and that background traffic flows have reduced since previous objections were made, OCC considers that a severe impact on the road network cannot be demonstrated.

Ecology Impact

Legislative context

- 9.89. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.90. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.91. The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.92. Policy ESD10 of the Cherwell Local Plan 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.93. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.94. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.95. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.96. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.97. The Standing Advice sets out habitats that may have the potential for protected species.

9.98. The application and appeal are now supported by detailed protected species survey for a wide range of species including water voles and white clawed crayfish amongst other species. It is the evidence submitted that now forms the basis of the common ground and conditions proposed by the Council's Ecologist and has allowed the previous reason for refusal to be overcome.

9.99. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Relationship to Park Farm – Noise and Air Quality

9.100. As part of the Planning Appeal, it is common ground that the Council's Environmental Health Officer confirmed that an Odour Assessment should be provided at the detailed design stage, and a suitably worded planning condition could secure this.

9.101. It is noted that whilst the Council haven't had any complaints there is the possibility that by building houses closer to the [neighbouring] farm, we will start to receive complaints about the possible odour from the farm which in turn could lead to a notice that could be prohibitive to the farm operations.

9.102. It is noted that an Odour Assessment has now been belatedly submitted with proofs of evidence to the appeal. Officers have sent this to Environmental Health Officers for comment and review. The farm is not the subject of an Environmental Permit.

9.103. A buffer zone (as set out in the layout) would help but noting the countryside location certain odours could be expected. It is common ground that there is no objection from the Council on matters relating to Odour subject to an appropriate condition.

Flooding and Drainage

9.104. In respect of flooding and drainage. A detailed Flood Risk Assessment has been submitted with the application, and having considered this information neither the Council's Drainage officer nor Thames Water have objected to the development and appear satisfied that a satisfactory drainage scheme can be agreed. Therefore, subject to conditions to ensure a detailed foul and surface water drainage scheme is

submitted, agreed and implemented, officers consider the proposal would be acceptable in this respect.

9.105. The Environment Agency has submitted evidence to the Public Inquiry and agreed that there is no objection on flood risk grounds.

9.106. In respect of foul water, it is noted that Thames Water has identified an inability of the existing network to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available. As such Thames Water request conditions.

9.107. The Environment Agency highlight that this development will be served by Bloxham Sewage Treatment Works. Bloxham is currently using about 85% of its dry weather flow permit capacity. It is a frequently spilling site; however it has recently completed a scheme to increase flow to full treatment, which should increase its ability to treat incoming flows.

9.108. Overall, it is considered that subject to conditions, the proposals could be satisfactorily drained with appropriate infrastructure put in place for the time of the development.

Planning Contributions.

9.109. Policy INF1 of the CLP 2015 states that: "Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities."

9.110. Policy BSC11 of the CLP 2015 states that: "Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement." Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.

9.111. It should also be noted that the proposals do not offer contributions in respect of Oxford's Unmet Housing Need and the associated infrastructure, for example the Oxford Airport Mobility Hub.

9.112. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

9.113. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e., legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- c) Fairly and reasonably related in scale and kind to the development.

9.114. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

9.115. The application is not supported by any draft head of terms for a S106 however there is a draft s106 close to being agreed as part of the appeal preparation. This indicates that the applicant is willing to enter into a legal agreement if the application is to be approved.

9.116. Given the address to the S106 in the submission and written confirmation from the agent as noted to agreement of entering into an S106/S278, it is reasonable to expect that the infrastructure required to mitigate the impact of the development would be secured in accordance with Policy INF1 of the CLP 2015. In the event that the application is recommended for approval at Committee, the decision will be subject to the finalisation of the agreed S106/S278.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive benefits – Economic

10.2. The proposals would contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided and the distances to shops and services these should also be afforded limited positive weight.

Positive benefits - Social

10.3. The delivery of homes across the district is an important positive material consideration in the planning balance. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing.

10.4. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents.

10.5. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Positive benefits - Environmental

10.6. Environmentally the proposals claim to offer a minimum of 10% biodiversity net gain, which would represent a significant benefit but only if delivered to the level described.

10.7. The proposals commit to the provision of a sustainable construction methods, which is given positive weight.

10.8. Other green space and sustainable drainage networks would also be given moderate weight as they are required to make the development acceptable and are not significantly above the expected policy levels.

Negative Impacts – Economic

10.9. Negative economic impacts include the increased pressure on local services and the area and without additional facilities being provided in the village the proposals would result in a loss of economic capability of the village to adapt and sustain the local economy with increased queuing and car-based activity likely. This impact, however, taking on board the comments of consultees, can only be afforded limited weight.

10.10. The proposals would increase the level of housing in an unplanned manner beyond that of the Local Plan figure in Policy Villages 1 and Policy Villages 2 by a significant proportion and undermine the growth strategy for the District, which is a fundamental criterion for delivering economic growth. This is a negative economic consideration.

Negative Impacts – Social

10.11. The proposals would impact on the identity and character of the village with the development extending significantly beyond the existing boundaries promoting a linear form of development, thus creating a poor and incongruous relationship with the form and pattern of the settlement resulting in significant and demonstrable harm to the character and appearance of the area and the proposal would result in the loss of agricultural land. Significant weight is attached to these effects.

10.12. Bloxham is a sustainable location with a range of services, public transport links and employment opportunities. However, the site is at some distance from the village centre and would be located at more than 800m walking distance from the majority of the amenities in the village centre and thus future occupiers would be overly reliant on the use of the private motor vehicle, which would not be in the best interests of sustainable development. Substantial weight is attached to the site being an unsustainable location for development of this scale and the conflict with Policies PSD and ESD1 of the CLP 2015 and the key objectives of the NPPF.

10.13. Whilst offers of S106 contributions are noted, and would provide an element of positive contribution, on the negative side the contributions would not provide infrastructure to support the village itself beyond mitigation. This would also undermine the village identity and benefits surrounding the development.

10.14. Overall, this would be a significant negative social impact. The proposals would have a negative impact on the amenity to neighbouring residents particularly during the construction of development. This would be a moderate negative consideration on the social wellbeing of residents.

Negative Impacts – Environmental

10.15. The site is not allocated in the Development Plan and for the reasons set out in this report the proposal would be contrary to the Council's housing strategy, as set out in Policies BSC1, Villages 1 and Villages 2 of the CLP 2015 and Policies BL1 and BL2 of the Bloxham Neighbouring Plan, (whilst the village is sustainable, the location of the site is not, and the development has adverse visual impact, loss of versatile agricultural land, impact on ecology – contrary to PV2) on to which significant weight is also attached.

10.16. The proposals would significantly change the character of the village and extend beyond the existing boundaries and the harm to the character and identity of the village in an unplanned manner and beyond organic or normal levels of growth that would otherwise be expected for a village akin to Bloxham. This would be a significant negative impact on the village and environment.

10.17. The development would result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans; however, some disturbance is expected. This carries moderate negative weight.

10.18. Further investigation needs to be carried out before it is known whether the proposed development would be harmful to biodiversity on site. In its present form there is inadequate information submitted with the application to demonstrate that potential detrimental impacts to protected species and their habitat could not be mitigated and based on the precautionary principle, this would be a significant negative impact on the ecological environment.

10.19. The proposals would be predominantly car based in accessing the vital day – to – day facilities, this would have a significant negative impact on the environmental aspirations and mitigating climate change and reducing the need to travel.

10.20. During the construction of development there would be disturbance and impacts arising from the implementation of the development, this would be a moderate negative consideration on the local environment.

10.21. The proposals would also have a negative impact in terms of the use of land, resources, materials and other impacts arising from the development. This impact is considered to be moderate.

Conclusion

10.22. The Council published position is that it is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

10.23. The site is unallocated in the CLP 2015. The proposal seeks permission for 60 houses on the edge of a Category A Village. Whilst Bloxham has schools, public houses, some shops and other community facilities and regular bus services, those facilities are generally all at capacity and not readily accessible from the application

site (@>800m). The proposal's potential to alter travel habits therefore cannot be given significant weight.

- 10.24. While the total number of houses completed under Policy Villages 2 has exceeded or will soon exceed 750 and the level of permissions will comfortably exceed this figure, the policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District. The 750 figure is not an upper limit; however, the proposed development would not meet the tests of Policy Villages 2 and would result in harm to the landscape and important gap to Park Farm. This matter cannot be overcome by mitigation and the extension of the proposals in the manner proposed would result in a development that would be poorly related to the existing settlement.
- 10.25. Further the proposals are distant and poorly related to Oxford in respect of public transport provision and connections in the area are towards Banbury and Chipping Norton. As such the proposals would not be towards Oxford's Unmet Housing Need and would be contrary to Policy PR1 and PR4a in particular and would also not meet the needs of infrastructure identified to support the growth of Oxford set out in Policy PR11 of the Development Plan.
- 10.26. Overall, irrespective of the Council's Housing Land Supply, it is considered that the identified harm to the character and appearance of the locality and the potential detrimental impact to protected species and their habitat the proposed development is considered to represent unsustainable development and would significantly and demonstrably outweigh the benefits of the scheme, and it is recommended that planning permission is refused, for the reasons given below.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO REFUSE PLANNING PERMISSION ON THE EXPIRY OF THE PRESS NOTICE FOR

- 1. THE REASONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE REASON(S) AS DEEMED NECESSARY) AND**
- 2. THAT AUTHORITY BE DELEGATED TO OFFICERS, IN CONSULTATION WITH THE CHAIRMAN OF PLANNING COMMITTEE, TO ADD OR REMOVE REFUSAL REASONS, IN THE EVENT OF AN APPEAL BEING LODGED AGAINST THE REFUSAL, IN LIGHT OF NEW EVIDENCE BECOMING AVAILABLE.**

REASONS FOR REFUSAL

- 1. The site is located outside the built form of Bloxham and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside and filling an important gap to Park Farm. Its development would therefore have an adverse effect on the landscape on the approach to Bloxham to the detriment of the character and appearance of the countryside. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached and result in unsustainable growth. The proposed development would therefore be contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policies C28, C30 and C33 of the Cherwell Local Plan 1996, Policies BL2, BL3 and BL11 of the Bloxham**

Neighbourhood Plan 2015 - 2031 and Government guidance in the National Planning Policy Framework. The proposals due to their distance and poor connection would also not contribute to meeting Oxford's Unmet Housing Needs and be contrary to Policy PR1, PR4a and PR11 of Cherwell Local Plan 2011 - 2031 Part 1 Partial Review.

- 2. By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g., food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel. Therefore, the proposal conflicts with Policies ESD1, ESD15 and Villages 2 of the Cherwell Local Plan 2011- 2031, saved Policies C28 and 30 of the Cherwell Local Plan 1996, Policy BL3 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance in the National Planning Policy Framework.**
- 3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018, Policy BL9 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance within the National Planning Policy Framework.**

CASE OFFICER: Andrew Thompson

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	<p>35% Affordable Housing</p> <p>National policy requires that 10% of the overall scheme is provided as Low-Cost Home Ownership, and that 25% of the affordable element is provided as First Homes. The tenure split required by BSC 3 is 70% rented and 30% Low-Cost Home Ownership. On this scheme this equates to 35 dwellings (rounded up) with 25 as rented (rounded up to reflect the high level of identified need) and 10 as Low-Cost Home Ownership.</p>	<p>Suitable trigger points for an RP to be brought on board and then for the delivery of the affordable housing alongside the delivery of market dwellings.</p>	<p>Necessary – Yes – The site is allocated as part of the Local Plan – Policy BSC3 of the CLP2015 is the relevant policy. Other relevant policies include ESD15 and C28 and C30 in relation to design quality and the integration with market housing. The proposals would not be towards Oxford Unmet Housing Needs and would be directed towards meeting Cherwell’s Housing Register.</p> <p>Directly related – Yes – the affordable housing will be provided for the need identified in the Local Plan</p> <p>Fairly and reasonably related in scale and kind – Yes – the contribution is the level of the expected affordable housing.</p>
Health	£51,840.00	To be agreed	<p>Necessary – Yes – The existing surgery capacity would be enhanced as a result and the proposals would be related to Policies BSC8 and BSC9 of the Cherwell Local Plan 2011-2031.</p> <p>Directly related – Yes – the contribution would be towards meeting prescribed need set out in the area</p>

			<p>and resulting from the development of the site. The proposals would be directed towards Bloxham Surgery.</p> <p>Fairly and reasonably related in scale and kind – Yes – the contribution is based on the delivery of additional capacity expected from the development (144 patients)</p>
<p>Public Art, Public Realm and Cultural Wellbeing</p>	<p>£13,440</p> <p>This includes 5% management and 7% maintenance.</p>	<p>First occupation or alternative agreed trigger</p>	<p>Necessary – SPD 4.130 Public Realm, Public Art, and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practice Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.</p> <p>Directly related – The recommendation is that this development could benefit from a piece of art at its entrance or alongside the track. It could be developed in consultation with the local community and the parish council and create an opportunity for a small piece of work to enhance the development. It might also provide a focus or focal point for walkers and residents.</p> <p>Fairly and reasonably related in scale and kind – A developer contribution of £200 per</p>

			dwelling would be requested plus 5% management and 7% maintenance.
Outdoor Sports Provision	<p>A contribution of £2,017.03 per dwelling will be sought.</p> <p>Example at 60 Dwellings = £121,021.80</p>	The amount to be phased alongside the delivery of the scheme.	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – We are seeking a contribution towards enhancements of formal off-site sports facilities in Bloxham. Projects identified include an adult outdoor gym, improvements to the pitch and pavilion at Bloxham Recreation Ground and pitch improvements at Jubilee Park.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Indoor Sports Provision	£48,286.08	First occupation or alternative agreed trigger.	Necessary – Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals Policy BSC 12 – Indoor Sport,

			<p>Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access.</p> <p>Directly related – We are seeking an off-site indoor sport contribution towards improvements at Woodgreen Leisure Centre and/or indoor sports facilities in the vicinity of Bloxham in compliance with the Council's Indoor Sports Strategy.</p> <p>Fairly and reasonably related in scale and kind – Calculations based on the Developer Contributions SPD calculation based on a contribution of £335.32 per occupier of each Dwelling with an expected population of 2.4people per dwelling.</p>
Community Hall	£66,120.48	First occupation or alternative agreed trigger	<p>Necessary - Seeking a contribution towards improvements at a community facility within the locality in accordance with Policies INF1 and BSC 12 and the Developer Contributions SPD. The policies are supported by the Council's Community Spaces Study</p> <p>Directly Related – The facility will be related to the site and delivered to meet the Council's Community Spaces and Development Study and could support enhancement in the area.</p>

			Fairly and Reasonably related in scale and kind - The sum based on the requirement to provide 0.185m2 community space per occupier of the Dwellings at a cost of £2,482 per m2.																						
Open Space Maintenance	<p>Up to:</p> <table border="1"> <tr> <td>LAP</td> <td>£50,279.76</td> </tr> <tr> <td>LEAP</td> <td>£202,989.56</td> </tr> <tr> <td>Or</td> <td></td> </tr> <tr> <td>LEAP/LAP Combined</td> <td>£228,387.53</td> </tr> <tr> <td>Public Open Space</td> <td>- £16.09/sq. m</td> </tr> <tr> <td>Hedgerows</td> <td>- £33.83/lin m</td> </tr> <tr> <td>New Woodland</td> <td>- £44.54/sq. m</td> </tr> <tr> <td>Mature Trees</td> <td>£356.21/tree</td> </tr> <tr> <td>Ditch Maintenance</td> <td>£153.05/lin m</td> </tr> <tr> <td>Swale Maintenance</td> <td>£153.05/lin m</td> </tr> <tr> <td>Balancing Pond</td> <td>£84.02/sq. m</td> </tr> </table> <p>Or current contract rates advised by CDC Landscape Team</p>	LAP	£50,279.76	LEAP	£202,989.56	Or		LEAP/LAP Combined	£228,387.53	Public Open Space	- £16.09/sq. m	Hedgerows	- £33.83/lin m	New Woodland	- £44.54/sq. m	Mature Trees	£356.21/tree	Ditch Maintenance	£153.05/lin m	Swale Maintenance	£153.05/lin m	Balancing Pond	£84.02/sq. m	On transfer of the landscaping/phased contribution payment	<p>Necessary –</p> <p>Policy BSC 11: Local Standards of Provision- Outdoor Recreation, Table 7: Local Standards of Provision - Outdoor Recreation If Informal open space/landscape typologies/ play areas are to be transferred to CDC for long term management and maintenance, the following commuted sums/rates covering a 15 year period will apply. The typologies are to be measured and multiplied by the rates to gain the totals.</p> <p>Directly related –</p> <p>Committed sums/rates covering a 15 year period on open space and play facilities on site.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>Contributions are sought in relation to the scale and amount of open space on site.</p>
LAP	£50,279.76																								
LEAP	£202,989.56																								
Or																									
LEAP/LAP Combined	£228,387.53																								
Public Open Space	- £16.09/sq. m																								
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Swale Maintenance	£153.05/lin m																								
Balancing Pond	£84.02/sq. m																								
Public transport services	£79,560 Public Transport Service Contribution indexed from October 2023 using RPI-x	On first occupation or alternative agreed trigger	<p>Necessary –</p> <p>Policies INF1 and SLE4 are the relevant policies which set out the support for public transport services.</p>																						

			<p>Directly related – The contribution is necessary to make the development acceptable in planning terms because the improved service would make the destinations of Banbury and Chipping Norton, and the villages in between, more accessible by a sustainable mode of transport.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the scale and amount of development and current public transport services capacity.</p>
S278 and TRO contribution	<p>£3,652 indexed from March 2023 using RPI-x.</p> <p>An obligation to enter into a s278 Agreement will be required to secure mitigation/ improvement works to acquire access and improvement works along the A361 to provide a bus stop hardstanding and flagpole.</p>	<p>This is to be secured by means of a s106 restriction not to implement development (or occasionally other trigger point) until a s278 agreement has been entered into. The trigger by which time s278 works are to be completed shall also be included in the s106 agreement. Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements</p>	<p>Necessary – To support the delivery of sustainable modes of transport. A speed limit reduction (from the current national speed limit to 30mph) shall be necessary under a new TRO that should cover the extent of the site access to a suitable point north along Tadmarton Road. The traffic-calming does not necessarily have to be the same as previously proposed. It could, potentially, be a build-out feature with a full-width hump. The applicant will need to propose the measures, to be constructed as part of the S278 works, and have them approved by Road Safety Audit</p> <p>Directly related – Related to the delivery of off-site highway works associated with the development.</p>

			Fairly and reasonably related in scale and kind – The scale of contribution is related to the level of the development.
Primary and nursery education	£415,316 Primary and Nursery School Contribution indexed from BCIS TPI = 327	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for 22 additional places which would need to be provided for in nearby schools.</p> <p>Directly related – The nearest primary school to the proposed development is Bloxham Primary School. At the time of expansion there was insufficient funding to increase the size of all of the school's facilities in line with the standards for a 2 form entry school, and funding is being sought towards the final phase of the expansion. This will create a new, larger, hall and kitchen, and create a studio space to support the delivery of the curriculum. The project has OCC capital governance approval, and planning permission was granted in April 2023. Construction is due to be complete by the end of 2024. This phase of the capital project has been costed at £2.866m. £0.642m of the cost has already been secured through Section 106 funding secured by the Council to mitigate the impact of new housing within the school's catchment area, leaving a shortfall of £2.224m. To avoid further delay in bringing the school's accommodation up to the standard required, the county council has</p>

			<p>forward funded the balance of the cost, against any future funding received from Section 106 agreements for further development which will benefit from the enlarged school facilities.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £18,878 per pupil.</p>
Secondary education	£363,888 Secondary School Contribution indexed using BCIS All-In Tender Price Index Value 327	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for 14 additional places which would need to be provided for in nearby schools.</p> <p>Directly related – The site lies in the designated area of Warriner School, which provides 284 places per year group, with a total capacity of 1580 places, but this currently includes reliance on temporary accommodation with a capacity of 120 places. As of January 2024, there were 1555 pupils on roll at the school, and this level of demand is expected to continue, continuing the school's dependency on this temporary accommodation in order to meet demand. This would need to be replaced with permanent build to meet the long term needs of local population growth resulting from housing development.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £25,992 per pupil.</p>

SEN	£35,896 Special School Contribution indexed from TPI = 327	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for the equivalent of 0.4 additional places which would need to be provided for in nearby schools.</p> <p>Directly related – Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £35,896 per pupil.</p>
Waste and Recycling centres.	<p>OCC - £6,113 Household Waste Recycling Centre Contribution indexed from Index Value 379 using BCIS All-in-Tender Price Index</p> <p>CDC - The developer would also be expected to pay for the provision of bins</p>	On first occupation or an alternative agreed trigger	<p>Necessary:</p> <p>Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are</p>

	and recycling facilities as part of the development.		able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. Directly Related: Will be towards providing waste services arising from the development. Fairly and reasonably related in scale and kind. Calculated on a per dwelling basis total land required for current dwellings of 0.18m2 and £101.88 per dwelling.
CDC and OCC Monitoring Fee	CDC: £1,000	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule

24/00613/F
The Pheasant Pluckers Inn
Burdrop
Oxfordshire
OX15 5RQ

Agenda Item 10



1:600



24/00613/F

The Pheasant Pluckers Inn

Burdrop

Oxfordshire

OX15 5RQ

Bishops End



1:300

Page 160

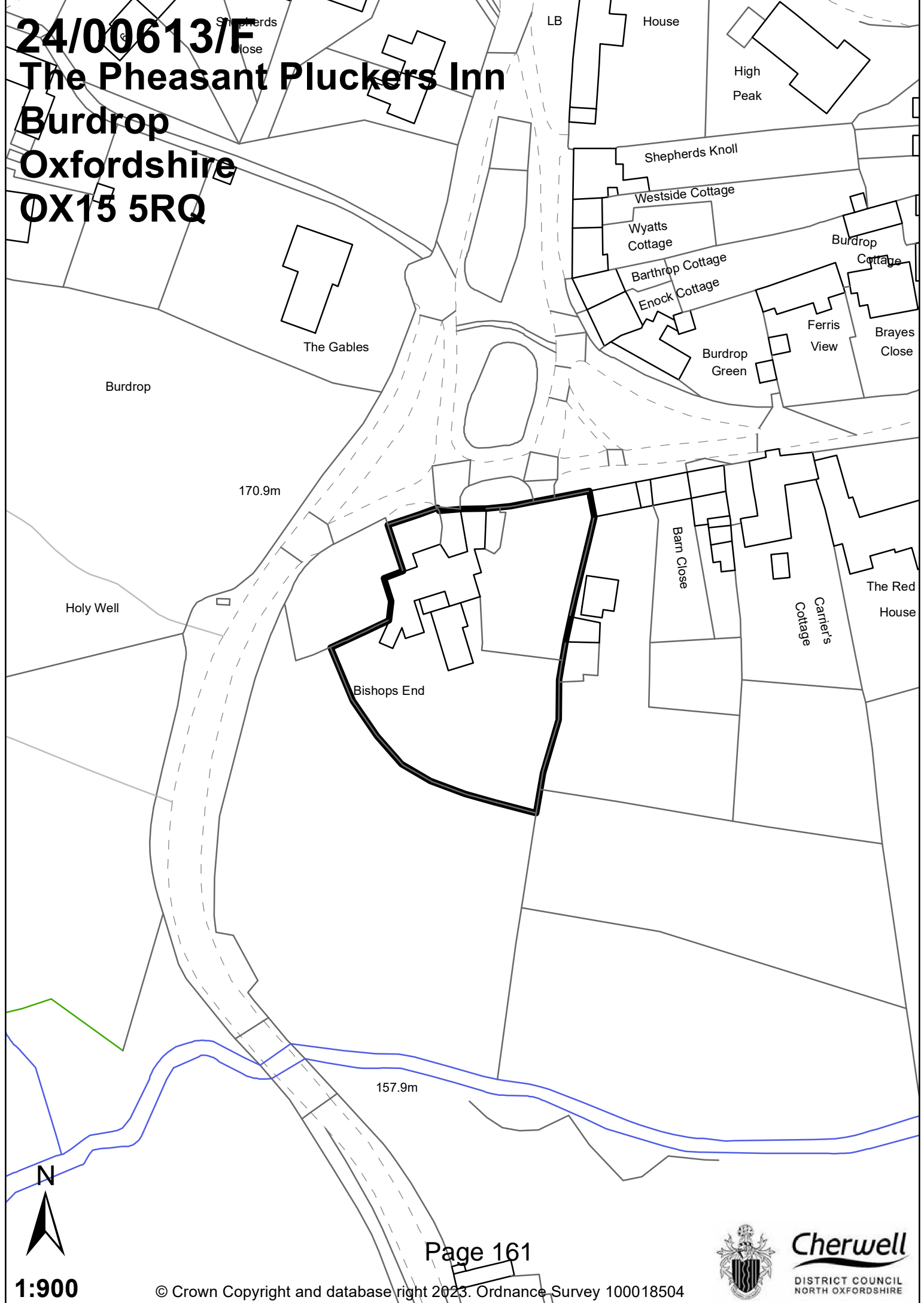
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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

24/00613/F
The Pheasant Pluckers Inn
Burdrop
Oxfordshire
OX15 5RQ



1:900



Case Officer: Katherine Daniels

Applicant: Blaze-Inn Saddles

Proposal: Amended design to 16/01525/F - Erection of a single storey building providing 3 no en-suite letting rooms amended to three bedroom cottage for holiday let.

Ward: Cropredy, Sibfords And Wroxton

Councillors: Councillor Brant, Chapman, and Webb

Reason for Referral: Referred by Assistant Director for Planning and Economy for the following reasons: property history and level of public interest

Expiry Date: 28 May 2024

Committee Date: 3 October 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located within Burdrop, a small settlement which forms part of the Sibford Gower/Ferris village settlement. The site lies immediately adjacent to The Pheasant Pluckers' Inn (formerly known as the 'Bishop Blaize') and is located within the current car park of the public house. Immediately to the west of the application site is the former bottle store which is attached to the public house and is now in use as a holiday let. Immediately to the east of the site lies the vehicle access to the car park.

2. CONSTRAINTS

2.1. The site lies within the Sibford and Burdrop Conservation Area; the public house is identified as a Locally Significant Asset within the Conservation Area Appraisal. There are several grade II listed buildings within the vicinity of the site with the nearest being Barn Close some 20m east of the site. To the south of the site, beyond the car park and the pub garden the land drops away into the valley known as the Sibford Gap.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal is for the erection of a building to form a holiday let. The proposals have been amended during the application process. The scheme is a single storey L-shaped building. The proposed building measures 7m to the front of the site, with a width of 4m. The return would have a total length of 11m.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

82/00329/N - Change of use of the premises to a single dwelling (The application was withdrawn as a condition of the approval was that the liquor licence had to be surrendered prior to a decision being issued. The licence was not surrendered, and the pub was sold as a going concern) - Application withdrawn.

85/00698/N - Change of use to a single dwelling (resolution to approve the application but a condition of any approval was that the liquor licence had to be surrendered prior to the decision being issued. The landlord at that time wished to keep the pub open and withdrew the application) - Application withdrawn.

99/01783/F - Single storey extensions to bar area and to form a new freezer store and replacement garden store, as amended by plans received 5.11.99.- Application granted

06/00248/F - Single storey bar extension to provide non-smoking restaurant facility. - Application granted

06/01697/F - Change of use from licenced premises to dwelling house. - Application refused

07/00630/F - Resubmission of 06/01697/F - Change of use from licenced premises into dwelling house - Application refused

09/01275/F - Alterations and extension to barn to provide 4no ensuite letting rooms. - Application withdrawn

09/01557/F - Change of use from closed public house to dwelling - Application withdrawn

12/00011/CLUE Certificate of Lawful Use Existing - Use as a single dwelling house - Application refused. Appeal against subsequent enforcement notice dismissed at Public Inquiry

12/00678/F - Change of use of a vacant public house to C3 residential (as amended by site location plan received 18/07/12) - Application refused and appeal dismissed

12/00796/CLUE Certificate of Lawful Use Existing - Use as a single dwelling house - Application refused

13/00116/F - Retrospective - New roof to barn; 3 No rooflights and door installed to the upper floor - Application granted

13/00743/F - Erection of two new dwellings - Application withdrawn

13/00781/F - Change of use of a redundant barn/store into a 1-bedroom self-contained holiday letting cottage - Undetermined. Non-determination appeal allowed.

13/00808/CLUE Certificate of Lawful Use Existing - Change of use from A4 to A1 - Application refused

13/01511/CLUE - Certificate of lawful use existing - A1 use for the sale of wood burning stoves and fireside accessories - Application returned

14/01383/CLUP - Certificate of Lawful Use Proposed - Change of use from A4 to A1 - Application refused

15/01103/F - Removal of conditions 3 and 4 of planning permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling - Application refused and appeal dismissed

16/01525/F - Erection of a two-storey cottage with 2 en-suite bedrooms, kitchen, dining, and lounge facilities. Permission is also required for the siting of a garden shed - Application refused.

16/02030/F - Erection of a single storey building providing 3 No en-suite letting rooms - re-submission of 16/01525/F - Application refused and appeal allowed

17/01981/F - Change of use from A4 to C3 (ACV Listed) - Application refused and appeal dismissed

18/01501/F - Change of use from Class A4 (ACV Listed) to Class C3 dwellinghouse – Appeal against non-determination – Appeal dismissed.

21/04166/F – Permission is sought to re-position and amend the structure of the previously allowed 3 bedroom building. Refused and appeal dismissed.

23/00662/F – Retrospective – change of use of public house (sui generis) to hotel/bed breakfast (C1). Appeal against non-determination. Appeal dismissed.

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this application.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **4 July 2024**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 20 letters of representation and the comments raised by third parties are summarised as follows:

- Would create the public house unviable.
- Property should be used as a public house.
- Impact on the character and appearance of the locality
- Would not be used as a holiday let.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

- 7.2. SIBFORD GOWER PARISH COUNCIL: **Does not object** to the principle, but wishes conditions are imposed similar to the 16/01525/F.
- 7.3. OCC HIGHWAYS: **No objections**
- 7.4. CDC LAND DRAINAGE: **No comments**
- 7.5. CDC ENVIRONMENTAL PROTECTION: **No comments**
- 7.6. OCC ARCHAEOLOGY: **No objections**
- 7.7. CDC CONSERVATION: **No objections** - The proposal will not lead to harm to the significance of designated heritage assets.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD1 – Presumption in favour of Sustainable Development
- SLE3 – Supporting Tourism Growth
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient use of Land
- ESD 3 – Sustainable Construction
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Category A village

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design, and external appearance of new development
- C30: Design control
- C33: Protection of important gaps
- S29: Loss of existing village services

Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Town and Country (General Permitted Development) (England) Order 2015 (as amended) (GPDO)
- The Town and Country (Development Management Procedure) (England) Order 2015
- Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal 2012

- Neighbourhood Planning Act 2017
- Localism Act 2011

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area, including designated heritage assets.
- Residential amenity
- Highway Safety

Principle of Development

- 9.2. The site of the proposed holiday let is within a Category A village, as allocated in Policy Villages 1 of the CLP 2015. This policy allows for some limited residential development within the built-up limits of villages and separates villages into three categories of sustainability depending on the level of services within the village. Within Category A villages residential development is restricted to minor development, infilling and conversions. The site of the proposal is considered to be located within the built-up limits of the settlement.
- 9.3. The NPPF places substantial weight on supporting a prosperous rural economy. It sees sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities, and visitors, and which respect the character of the countryside as key opportunities for support. Policy SLE 3 of the CLP 2015 is consistent with the NPPF and supports tourism in sustainable locations.
- 9.4. Saved Policy T2 of the CLP 1996 indicates that within the built up limits of a settlement the provision of new hotels, motels, guest houses and restaurants will generally be approved subject to the other policies in the plan. The supporting text of this policy further states that: *'The Council considers that the provision of new hotel, motel, guest houses and restaurants within settlements is acceptable provided that the nature of the proposed development is compatible with the size and character of the settlement and there are no adverse environmental or transportation affects resulting from the proposal.'*
- 9.5. The proposal seeks to provide holiday let accommodation adjoining the public house to the west of the application site. The site has been subject to another application for the erection of a single storey building providing 3 en-suite letting rooms. This proposal is for the erection of a holiday let on the same site as the permitted en-suite letting rooms. The principle of developing the site is therefore considered to be acceptable.
- 9.6. Although the site would develop in some of the public house car park, the car parking area is considered to be acceptable for the public house to function as a public house. Therefore, it is unlikely that the loss of this parking area would affect the viability of the public house. There is still sufficient parking on site to accommodate the patrons. Further consideration on highway safety is considered in the paragraphs below.

- 9.7. The applicant has provided a business case to demonstrate the need for the holiday lets. Holiday let accommodation would provide additional income to the public house, and other services close to Burdrop and the Sibfords.
- 9.8. The proposal is for the erection of a new holiday let building, which has the appearance of a dwelling, within the existing confines of Burdrop, in a Category A village. The principle is therefore considered to be acceptable.

Heritage Impact

- 9.9. The site is within the Sibford Gower with Burdrop Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.10. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.11. The proposal has been sited on the same location as the approved development of three ensuite bedrooms (16/02030/F). This development was allowed at appeal, and it was concluded a development in this location would not result in harm to the designated heritage asset.
- 9.12. The applicant has amended the scheme to reduce the overall scale of the building. The proposal is of a similar style to the front as the existing permission for the 3 ensuite rooms but would be an L-shaped development rather than a linear building.
- 9.13. The building has been designed to reflect a traditional farm building reflecting the character and appearance of the locality. The current design is a much-improved design to that originally submitted and is considered now to be designed sympathetically with the host building and its surroundings.
- 9.14. The Conservation Officer has been consulted on the application and, following negotiations with the applicant, it is considered overall that the proposal is acceptable in heritage terms. The Conservation Officer advises that the proposal would not result in harm to the designated heritage assets.
- 9.15. Overall, therefore, the proposal is considered to be acceptable in terms of impact on the character and appearance of the locality, including designated heritage assets.

Residential Amenity

- 9.16. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the LPA. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

- 9.17. The proposal has sufficient distance from the neighbouring properties to not result in a detrimental impact on the amenities of the adjoining neighbours through overlooking.
- 9.18. In regard to the amenities of the future occupiers of the building, the proposal does not include any external space for the building. The proposal seeks to provide holiday let accommodation rather than a permanent dwelling. It is important and necessary that a condition is imposed to ensure the proposal is not used as a separate dwelling, as the proposal would not have sufficient amenity space outside for a separate dwelling in its own rights.
- 9.19. In conclusion, the impact on the future and existing residents is considered to be acceptable and, provided suitably worded conditions are imposed, would accord with the aforementioned policies.

Highway Safety

- 9.20. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.21. In addition, paragraph 115 highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.22. The Local Highway Authority has raised no objections to the proposal; therefore, it is concluded that the proposed scheme would not create a danger to those using the highway network. Therefore, the proposal is acceptable in highway terms.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Burdrop is considered to be located within a Category A village, which is one of the more sustainable villages within the Cherwell area. The proposal would result in an infilling of an existing gap within the village, on the same location of an existing permission for a building containing 3 ensuite rooms associated with the public house. Therefore, the proposal is considered to be acceptable in principle, in accordance with Policy SLE2 and Policy Villages 1 of the CLP 2015.
- 10.2. The site is located within the conservation area, and close to Listed Buildings. The proposal is on a similar footprint to the previous approval for the 3 ensuite rooms. The Conservation Officer considers that there would not be harm to the designated heritage asset as a result. Therefore, the proposal would preserve the character, appearance and setting of the conservation area.

10.3. It is noted that the proposal develops part of the car park for the existing public house, and there are concerns on the loss of this area for the viability of the public house. The Local Highway Authority has not objected to the scheme.

10.4. Overall, the proposal is considered acceptable, and in accordance with Policy.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans: Block Plan, Proposed elevations and floor plans, Ground Level received 20 June 2024.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. No development above slab level shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond and pointing technique. The sample panel shall be constructed in a position that is readily accessible for viewing in good natural daylight. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area and the significance of heritage assets in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. A schedule of materials and finishes to be used in the external walls and roof of the building shall be submitted to and approved in writing by the Local Planning Authority prior construction above slab level. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area and the significance of heritage assets in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Full details of the use of the garden area associated with the public house and holiday accommodation, including any new boundary treatments, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure, in respect of those holiday let which are intended to be screened, shall be erected prior to the first occupation of the holiday let.

Reason: To safeguard the character and appearance of the area, to safeguard the privacy of the occupants of the existing and proposed holiday let, and to ensure the viability of the public house is not impacted as a result of the development and to comply with Policies SLE3 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. The building hereby permitted shall:
 - (a) be used for short-term holiday lets only and shall not be let or occupied by any person, or connected group of persons, for more than 28 days on any one calendar year. A register of occupier(s) including their name(s) and the dates of their arrival and departure shall be kept for each unit and made available for inspection by the Local Planning Authority at all reasonable times; and
 - (b) remain ancillary to the property currently known as the Pheasant Pluckers Inn (formerly Bishops Blaize/Bishops End) and shall not be sold, leased, or used as an independent dwelling unit.

Reason: The building, due to the lack of private amenity space, is not suitable for permanent residential accommodation and in the interests of general amenity and sustainable development and in accordance with Saved Policy T7 of the Cherwell Local Plan 1996, Policies SLE3, ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town, and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall, or other means of enclosure shall be erected, at any time.

Reason: In order to retain the open character of the development and area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Katherine Daniels

24/01933/DISC

Agenda Item 11

Bicester East Community Centre
Keble Road
Bicester
OX26 4TP

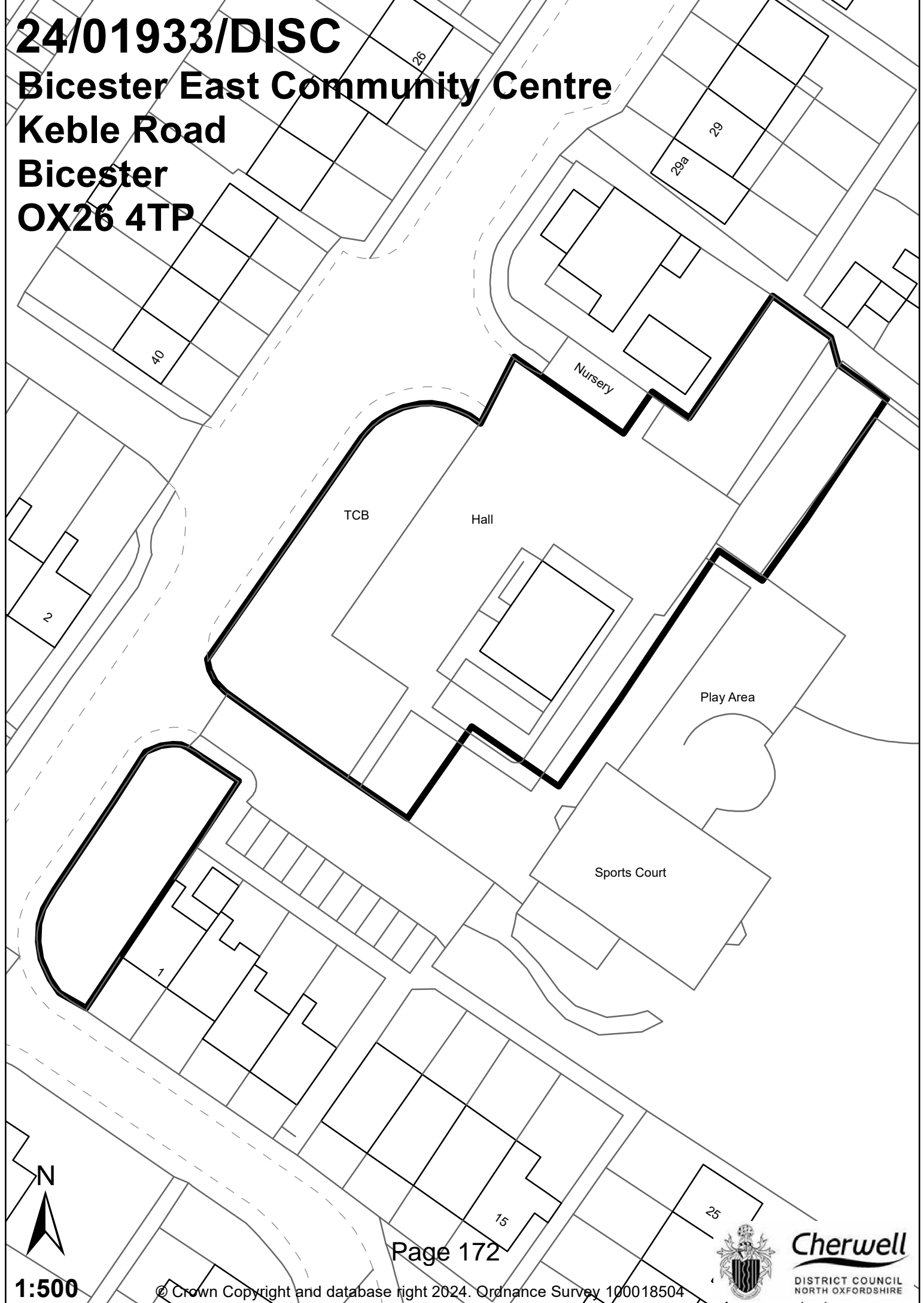


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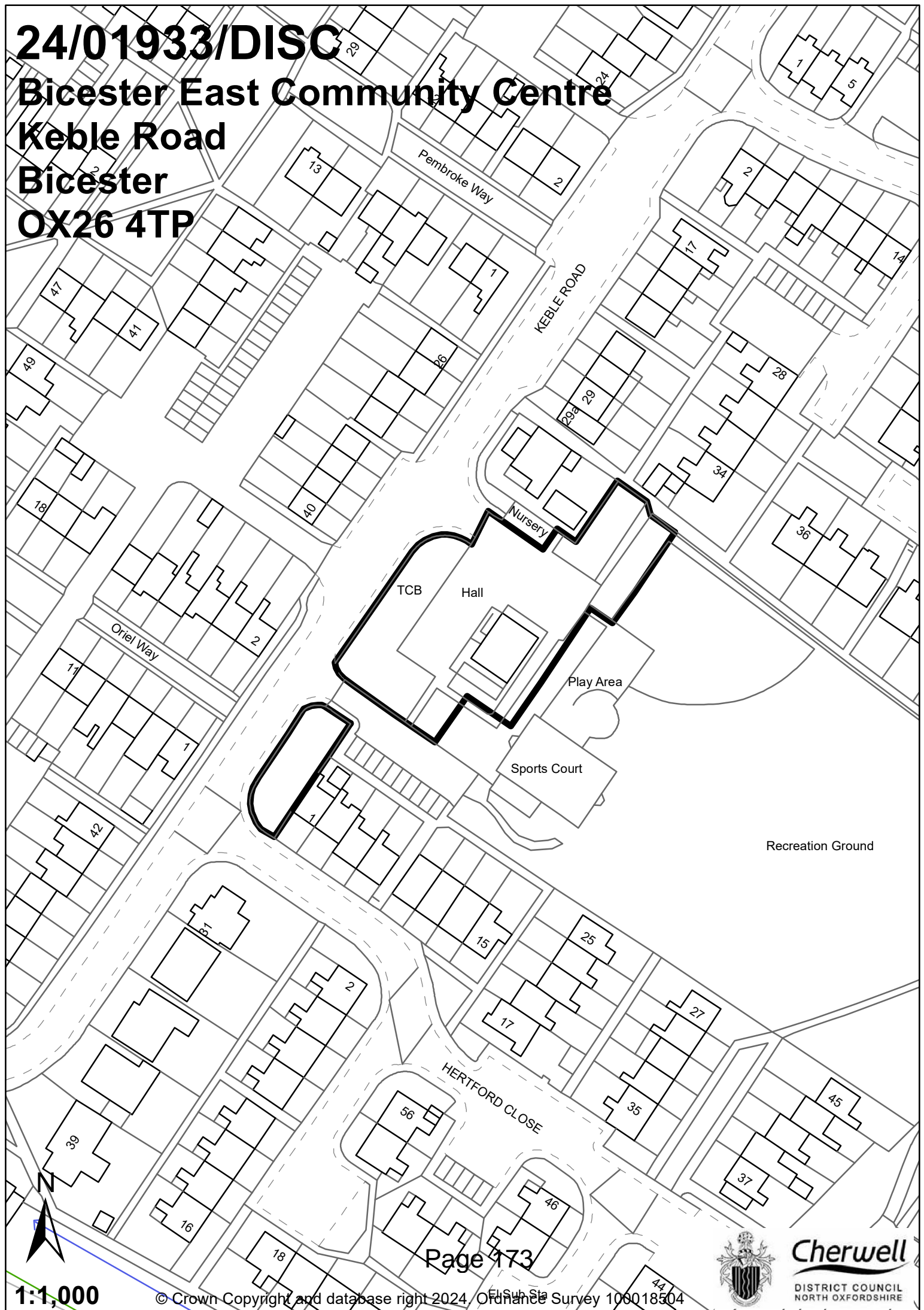
24/01933/DISC

**Bicester East Community Centre
Keble Road
Bicester
OX26 4TP**



24/01933/DISC

Bicester East Community Centre Keble Road Bicester OX26 4TP



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Case Officer: Rebekah Morgan

Applicant: Mr Stuart Parkhurst

Proposal: Discharge of Conditions 7 (lighting details), 9 (bin storage), 10 (covered cycle parking facilities) & 11 (boundary enclosures) of 22/02491/CDC

Ward: Bicester East

Councillors: Cllr. Tom Beckett, Cllr. Donna Ford and Cllr. Rob Parkinson

Reason for Referral: Application affects Council's own land, and the Council is the applicant.

Expiry Date: 07 October 2024

Committee Date: 03 October 2024

SUMMARY RECOMMENDATION: DISCHARGE CONDITIONS 7, 9, 10 and 11 OF APPLICATION 22/02491/CDC.

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The development site is located in a residential area of Bicester to the northeast of Bicester town centre.
- 1.2. Approval was granted last year for the demolition of the Bicester East Community Centre, and replacement with a new community building (located on the north side of the site) and 6 dwellings (located on the west side of the site), with associated car parking.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. This application seeks to discharge conditions 7, 9, 10 and 11 of 22/02491/CDC. Condition 7 is a general site condition relating to the whole development. Conditions 9, 10 and 11 relate to the new community centre element of the development only.

- 2.2. Condition 7 (Lighting details):

Details of any external lighting/security lighting/floodlighting including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2015, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

- 2.3. Condition 9 (Bin store details):

Prior to the first use of the community centre hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the community, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/litter in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

2.4. Condition 10 (Covered cycle store details):

Prior to the first use of the community centre building hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

2.5. Condition 11 (Boundary treatment details):

Full details of the enclosures along all boundaries of the community centre shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure shall be constructed and retained in accordance with the approved details prior to the first use of the building.

Reason: To ensure the satisfactory appearance of the completed development, and to comply with Policy ESD15 of the Cherwell Local Plan 2015, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. RELEVANT PLANNING HISTORY:

3.1. The following planning history is considered relevant to the current proposal:

22/02491/CDC – Demolition of existing Bicester East Community Centre and construction of new community hall, 6no. dwelling and car parking. Removal of Public Telephone Kiosk and repositioning of footpath. APPROVED

23/01469/DISC: Discharge of Conditions 4 (replacement tree planting), 5 (arboricultural method statement) and 8 (schedule of materials and finishes) of 22/02491/CDC. APPROVED

4. RESPONSE TO CONSULTATION

4.1. OCC HIGHWAYS: No objection, the submission of amended information has addressed the initial objection.

4.2. CDC ENVIRONMENTAL PROTECTION: No objections or observations.

4.3. CDC WASTE AND RECYCLING: No comments received.

5. APPRAISAL

5.1. Condition 7 (Lighting details):

The submitted details show that three lighting columns are proposed in the car park to the rear of the dwellings. They would be located on the eastern side of the car park to prevent any significant light spill into the rear gardens of the existing and approved dwellings.

The submitted lighting plan has been reviewed by the Council's Environmental Protection Officer who has advised the details are satisfactory and recommends the condition is discharged.

The lighting scheme is therefore considered to be appropriate for the development and the condition is recommended to be discharged.

5.2. Condition 9 (Bin store details):

The proposed bin store is of a suitable size to accommodate three 1,100 litre bins. The bin store would be located to the side of the community centre. It would be fenced off to ensure it is secure and not so visually intrusive within the wider street scene.

The proposed details are considered to be appropriate for the development and the condition is recommended to be discharged.

5.3. Condition 10 (Covered cycle store details):

Amended cycle store details have been submitted to re-locate the cycle store within the site boundary and increase the size in response to comments made by the Local Highway Authority.

The Local Highways Authority no objection to the amended details and has confirmed they overcome their initial objection.

The proposed details are considered to be appropriate for the development and the condition is recommended to be discharged.

5.4. Condition 11 (Boundary treatment details):

The application proposes a 2 metre high weldmesh security fencing around the perimeter of the community centre. The fencing would provide adequate security without blocking light to the centre and can be easily maintained. The community centre is set back from the main road, positioned in the corner of the open space, therefore, the fencing would not be an overly prominent feature within the street scene.

Along the boundary between the car park and the open space/play area, the application proposes 1 metre high bollards. This boundary treatment will prevent vehicles driving on to the area whilst retaining the openness of the space.

The proposed boundary treatment is considered to be appropriate for the development and the condition is recommended to be discharged.

6. RECOMMENDATION

That planning conditions 7, 9, 10 and 11 of 22/02491/CDC be discharged based upon the following:

Condition 7

In accordance with External Lighting document prepared by Dextra Group Plc dated 04.04.2023 and Product Specification document (Opus Column) prepared by Dextra Group Plc.

Condition 9

In accordance with drawing numbers 5046/G/20/003 Rev C7 and 5046/G/20/011 Rev P2.

Condition 10

In accordance with drawing numbers 5046/G/20/003 Rev C7 and 5046/G/20/011 Rev P2.

Condition 11

In accordance with drawing number 5046/G/20/003 Rev C7.

CASE OFFICER: Rebekah Morgan

Agenda Item 12

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	3 October 2024
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	24 September 2024
Report of	Assistant Director Planning and Development, David Peckford

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

1. Recommendations

The Planning Committee resolves:

- 1.1 To note the position on planning appeals as set out in the report.

2. Executive Summary

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.
- 2.2 The report sets out the main issues of the appeal and, where determined, the decision is summarised.

Implications & Impact Assessments

Implications	Commentary
Finance	Whilst there are no direct implications arising from this report it should be noted that the cost of defending appeals can be costly, with additional risk of significant costs when exceeding the 10% Quality threshold. The spend to date on appeals is £0.313m against a budget provision of £0.100m. This has meant that alternative sources of funding to defend further appeals will need to be identified including the call on the appeals reserve will be necessary for mitigation.

	Kelly Wheeler, Finance Business Partner, 24 September 2024			
Legal	<p>This report is for information purposes only, however, it should be noted that there is a trend in the number of public inquiries and appeals allowed increasing in comparison to previous years which Legal are mindful of. Indirect legal implications arising from this report are therefore significantly higher Legal costs in defending the appeals as noted by Finance. Additionally, Legal is concerned about the potential for s62A of the Town and Country Planning Act 1990 to be enacted if the Secretary of State places us into special measures due to low performance, enabling applicants to go direct to the Secretary of State for their applications to be determined.</p> <p>Shiraz Sheikh, Assistant Director Law and Governance, Monitoring Officer. 25 September 2024.</p>			
Risk Management	<p>This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.</p> <p>Celia Prado-Teeling, Performance Team Leader.</p>			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable

Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			
Consultation & Engagement	Not applicable in respect of this report			

Supporting Information

3. Background

- 3.1. When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2. Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition, then they could have appealed against the condition at the time it was originally imposed.
- 3.3. Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4. Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended, and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

4. Details

Written Representations

4.1. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00466/F	15A South Street, Banbury	Alterations and extension to existing house and outbuildings.	Delegated Refusal	20.08.2024

24/00342/F	141 Bismore Road, Banbury	Erection of Single Storey Garage	Delegated Refusal	21.08.2024
24/01225/F	14 Bismore Road, Banbury	Erection of a single-storey flat roof garage at end of driveway into rear garden	Delegated Refusal	21.08.2024
23/02780/F	Land to West of Griffin Gate, Station Road, Blackthorn	Detached dwelling/holiday let and associated works.	Delegated Refusal	27.08.2024
24/01017/F	Vine Cottage, Main Street, Hethe	Replace existing driveway gate with a clad electric hardwood gate.	Delegated Refusal	02.09.2024
21/02028/F	The Coach House, Hanwell Castle, Hanwell	Free-standing garden room in the grounds, to serve existing household	Delegated Refusal	03.09.2024
24/00633/F	14 Sandford Green, Banbury	Demolition of outbuilding and erection of single storey rear extension with sliding door to the rear and 2no roof windows; external walls to be insulated and rendered	Delegated Refusal	03.09.2024
24/00779/F	6 Railway Cottages, Shipton on Cherwell	1m extension to existing ground floor with new first floor extension over - re-submission of 23/03177/F.	Delegated Refusal	06.09.2024
24/00753/F	40 Ardley Road, Fewcott	Removal of existing 1m height 'close boarded' timber fencing and replacement with 1.8m height, including gated vehicular entrance (Retrospective).	Delegated Refusal	09.09.2024
24/01391/F	82 High Street, Banbury	Change of use for the ground floor existing charity shop (Class E1)	Delegated Refusal	17.09.2024

		to a tanning salon (sui generis).		
24/00298/Q56	Malthouse Farm, North Aston Road, Duns Tew	Change of Use of two agricultural buildings to form five dwellinghouses	Delegated Refusal	19.09.2024

4.2. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/00150/CLUE	Unit 22 Beaumont Close, Banbury	Certificate of Lawfulness for the Existing Development: Implementation of planning permission 18/01366/F subsequent to 20/00046/DISC. Erection of 10 small commercial units (B2/B8) with associated car parking and landscaping - (resubmission of 22/00193/CLUE)	Delegated Refusal	15.06.2023.
22/03245/F	Apollo Office Park, Ironstone Lane, Wroxton	Provision of 10 employment units (Office, Research and Development and Light Industry), associated car parking, landscaping/biodiversity enhancements/works and provision of foul water treatment plant - re-submission of 22/00928/F.	Committee Refusal (Officer recommended refusal)	16.04.2024
23/03078/CLUP	Manor Cottage, Middleton Park, Middleton Stoney	Certificate of Lawfulness of Proposed Development: Repositioning of existing "tarmac" driveway with a gravel driveway.	Delegated Refusal	23.04.2024.
23/02346/F	Birdhouse, 43 Lapsley	Demolish conservatory. Single storey rear extension on footprint	Delegated Refusal	15.05.2024

	Drive, Banbury	of existing conservatory. New door to existing side elevation (revised scheme of 23/00257/F)		
23/01960/PIP	Barn Farm Plants Garden Centre, Thorpe Road, Wardington	To develop the site for 7-9 dwellings with associated access, parking and amenity space.	Delegated Refusal	06/06/2024.
24/00698/PIP	81 North Street, Fritwell	Permission in Principle - proposed 7-9 dwellings	Delegated Refusal	27.06.2024
21/02058/FUL	Shelswell Inn, Buckingham Road, Newton Purcell	Erection of Barns	Delegated Refusal	02.07.2024
23/02772/PIP	Land Adj And To The West Of Number 42 Green Lane, Upper Arcott	Permission in Principle application for the erection of up to 2 No dwellings	Delegated Refusal	
24/00628/Q56	Quarry Farm, Rattlecombe Road, Shenington	Change of Use and associated building operations to convert existing agricultural building to single dwellinghouse.	Delegated Refusal	09/07/2024.
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond	Delegated Refusal	06.07.2024.

		boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.		
23/03376/F	5 Mill Lane, Adderbury, Banbury	Natural ironstone rear extension with natural slate roof incorporating 1 No conservation rooflight, internal alterations, removal of timber shed and replacement with timber garden studio (revised scheme of 16/01819/F).	Delegated Refusal	17.07.2024.
24/00620/F	7 Launton Road, Bicester	Demolition of existing detached garage and erection of new 2-bedroom dwelling. Existing 3-bedroom dwelling to be retained.	Delegated Refusal	19.07.2024
24/00792/F	10 Chestnut Close, Chesterton, Bicester	Single storey side and rear extensions to create a 1 no. new dwelling	Delegated Refusal	30.07.2024.
23/02071/F	Land to Rear of Wheelright Cottage, Main Street, North Newington	New Build Dwelling.	Delegated Refusal	31.07.2024.
23/03109/F	Land Adj to 20 Almond Road, Bicester	Subdivision of land at 20 Almond Road to form site for 2 no. new detached dwellings with associated parking and gardens.	Committee Refusal (Overturn)	31.07.2024.
23/02865/F	Slatters Barn, Epwell Road, Shutford	RETROSPECTIVE - Installation of two shepherd's huts for use as holiday lets and construction of a driveway to the shepherd's huts - re-submission of 22/02411/F.	Delegated Refusal	01.08.2024.

24/005421/F	1 St Peters Crescent, Bicester	Proposed detached two storey dwelling and two number car spaces	Delegated Refusal	07.08.2024.

Informal Hearings

4.3. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/02355/F	Waverley House, Registrar, Queens Street, Bicester	Demolition of existing building and construction of 33 No apartments together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure	Committee Refusal (Overturn)	20.08.2024

4.4. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
19/02553/DISC & 19/02554/DISC	The Unicorn, 20 Market Place	Discharge of Conditions 3 (external materials), 4 (doors/windows/rooflights) and 5 (external staircase) of 16/01661/F and 16/01662/LB	Committee Refusal (Overturn)	07.12.2023 Hearing Start Date: 20/08/2024 (1 day)

Public Inquiries

4.5. New Appeals

None

4.6. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/01265/OUT	OS Parcel 0078 North West of Quarry Close, Bloxham	Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS)	Committee Refusal (Officer recommended refusal)	07.12.2023 Inquiry Start Date: 08/10/2024 (4 days)

		and vehicular access point. All matters reserved except for means of access.		
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Enforcement Appeals

4.7. **New Appeals**

None

4.8. **In Progress/Awaiting Decision**

Application Number	Location	Description (summary)	LPA Decision:	Start Date
21/00078/ENF	Bagnalls Haulage Ltd, Bagnalls Coal Yard, Station Road, Enslow	Without planning permission, the material change of use of the land to a concrete batching plant and the erection of associated apparatus including a conveyor, corrugated enclosure, hoppers and storage tanks.	Enforcement Notice	09.02.2023 Written Reps
21/00333/ENF	Fairway Cottage, Main Road, Swalcliffe	Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled 'Location Plan'.	Enforcement Notice	10.11.2023 Written Reps
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)	Enforcement Notice	28.11.2023 Written Reps

20/00295/ENF	16 Almond Avenue, Kidlington	Garage/Garden building converted to residential premises	Enforcement Notice.	13.03.2024 Written Reps
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Forthcoming Public Inquiries and Hearings between 3 October 2024 and 3 November 2024.

4.9. 23/01265/OUT – OS Parcel 0078 North West of Quarry Close, Bloxham, Banbury.

Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry.
Hearing Date: 08.10.2024. 4 Days.
Appeal Reference: 24/0005/REF.
Start Date: 07.03.2024.

Appeals Results

4.10. 23/02470/F - Offside, The Green, Barford St Michael, Banbury, Oxon, OX15 0RN.

The Inspector **ALLOWED** the appeal by Mr A Murray for the erection of a 2-bedroom bungalow

The main issues considered by the inspector were:

- Whether the principle of the development accords with the strategy in the development plan;
- The effect on the character and appearance of the area;
- Whether the living conditions of the future occupiers would be reasonable; and
- The effect on highway safety through a lack of on-site parking.

Principle

The inspector considered that the appeal site comprises land which lies in a back land position to the rear of frontage properties in the village of Barford St Michael.

The inspectors confirmed that the appeal site lies within the village boundary, the site does not comprise infilling, as defined by Cherwell Local Plan because of the back land nature of the land. The inspector considered at the site visit that there were few opportunities for infilling within established frontages because of the tight knit form of the older properties.

The inspector considered that the Council submitting that Barford St. Michael is not a sustainable location as the village has few facilities and public transport links does not rule out the principle of some limited development as the potential for infilling has been accepted in Policy Village 1.

Overall, on the issue of according with development strategy, the inspector found that the proposal does not accord with the development strategy set out in the CLP as it does not constitute 'infilling' as defined in the plan.

Design

On the issue of design of the dwelling proposed, the inspector considered that the proposed siting of the bungalow well back into the site means that it would not be prominent in the street scene as only a short glimpse of the end gable would be seen up the access drive alongside "Offside", the form and scale of the building would not be dissimilar to that of the existing stone and timber barn nor is it unusual for an outbuilding to be sited at an angle rather than always be parallel with properties on the street frontage.

The inspector considered in terms of the design of the building itself it has a simple form and the variation in fenestration, does not detract from the overall quality of the building. The siting, design and form of the proposed single storey building was considered appropriate for the area. In addition, the proposal would have a neutral effect on the character and the appearance of the Conservation Area, and these aspects would be preserved, and the proposal would not conflict with Policy ESD15 of the CLP or saved Policies C28 and C30 of the CLP 1996.

Residential Amenity

The inspector outlined consideration for the Council's Residential Design Guide SPD but saw no policy or guidance which suggests that 5m outlook from a bedroom window would be below any recognised standard. And in considering the dwelling as a whole the inspector was satisfied that it would have reasonable light and outlook and that the living conditions of future occupiers would not be harmed, and the proposal reasonably accords with the provisions of Policies ESD15 and C30 about standards of amenity.

Highway Safety

The inspector considers that the appellant submitted an additional plan (drawing 433:13-101B) which shows two spaces allocated for both the proposed bungalow and for Offside and on the basis of this plan was satisfied that off-street parking can be provided for all of the components of the site and such parking provision can be required to be implemented and retained by condition.

Inspector's Conclusions

The inspector considered on the main issues that while the principle of limited infilling in the village is acceptable, the proposal would not meet the terms of Policy Villages 1 as the site does not comprise a gap in a continually built-up frontage. The inspector assessed that the proposal would complement and respect the character and appearance of the area, have a neutral effect on the conservation area, would also provide the future occupiers with reasonable living conditions and the overall site can accommodate sufficient parking provision. In addition, the proposal meets the other relevant local plan policies.

The inspector confirmed that the conflict with Policy Villages 1 needs to be balanced with other considerations, in particular the Framework sets out that the Government seeks to significantly boost the supply of homes and Section 11 indicates that planning decisions should promote an effective use of land in meeting the need for homes while safeguarding the environment and ensuring safe and healthy living conditions.

The inspector considers the appeal site contains sufficient land for the development proposed which would not result in any environmental or social harm. Its development would make effective use of land which lies in the heart of the village. In the circumstances of this case this outweighs the objection over the proposal not being infilling in a built-up frontage and the appeal should therefore be allowed.

- 4.11. 22/02455/OUT – Land West of Church Ley Field, Adj to Blackthorn Road, Ambrosden, OX25 2DH.

Erection of up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works.

Officers Recommendation: Refusal (Committee)

Method of Determination: Public Hearing.

Hearing Date: 26.06.2024

Appeal Reference: 24/00010/REF

Start Date: 19.03.2024.

APPEAL WITHDRAWN BY APPELLANT.

- 4.12. 23/00020/F – Part OS Parcels 0700 and 2800, NE of Godlington Hall, Street Through Godlington, Godlington, Bicester, Oxon, OX27 9AE.

The Inspector **ALLOWED** the appeal by Mr J and Mrs Kevill for the change of use of an agricultural building to car storage falling within Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) at Godington Hall Farm, Godington, Bicester, OX27 9AE.

The Inspector identified the main issues as the suitability of the location for the proposed use, with particular regard to local and national policy, and the safe and efficient operation of the highway network, with particular regard to the rural character of the area.

The Inspector found that the evidence suggested that the growth and expansion of the business Silverstone Auctions Limited (now Iconic Auctioneers) needs a suitable building, price and location close to its headquarters, auction venues and places where motor show events are held. As such, the Inspector found the location of the appeal site, and the benefits of being close to these locations, relatively compelling because of the unique nature of the business and cluster of markets, businesses and locations involved. Whilst not small scale, employees would not be based at the appeal site. It was considered that there was no evidence that the development would harm the character or appearance of the surrounding area or landscape. There were no concerns regarding detriment to residential amenity. The

Inspector considered that the evidence presented of the search of alternative commercial sites within a 15 mile radius of Bicester demonstrated that the proposal would not achieve the commercial requirements in a different location. Furthermore, the Inspector considered that the rental income would provide improved financial security for Godington Farm following the loss of the tenant, supporting two specific businesses, and would align with the provision of paragraph 88 of the Framework, weighing in favour of the proposed development.

With regard to the impact on the highway network, the Inspector recognised that compliance with Local Plan Policies SLE1 and ESD 1 is also dependant on whether the development can be carried out without undue detriment to the highway network, and wherever possible, contribute to the general aim of reducing the need to travel by private car. This was considered to be a different matter from highway safety, being the effect on the peaceful rural surroundings as a result of excessive or inappropriate traffic. The Inspector considered that the operation of the business, and the use of the building for storing vehicles, would not involve a significant number of employees driving to the site on a daily basis, and vehicle movements associated with the auctions and other exhibitions would not be excessive on a daily basis, and would be staggered. The Inspector considered that the character, rural lanes and highway network would be able to accommodate the development traffic, and that the development would not result in inappropriate traffic on the surrounding rural roads. Whilst the site would not be accessible by sustainable modes of transport, the Inspector was mindful of advice in the Framework that identifies that sustainable transport options do vary between urban and rural locations. The Inspector considered the proposal to meet the requirements of paragraph 89 of the Framework in being sensitive to its surroundings and not having an unacceptable impact on local roads.

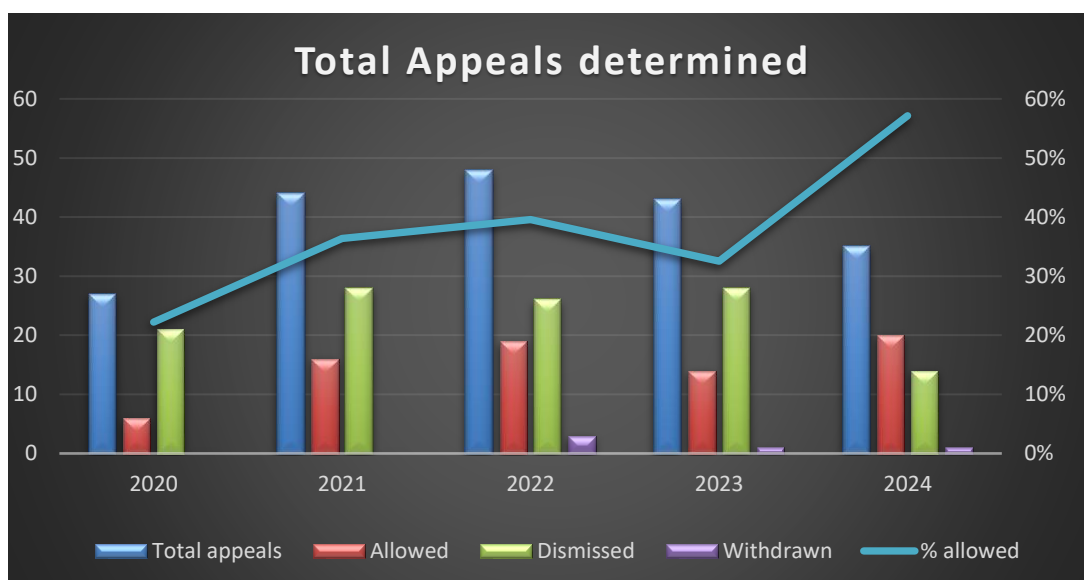
The Inspector concluded that sufficient justification had been provided to demonstrate why the development should be located at the appeal site and considered the appeal site is a suitable location for the proposed use with particular regard to local and national policy, and the safe and efficient operation of the highway with particular regard to the rural character of the area. Thus, the development was considered compliant with Policies SLE 1 and ESD 1 of the Cherwell Local Plan 2011-2031 Part 1.

Appeals Performance

4.13. Overview of Appeal Performance

4.14. The table and graph below show all the appeal decisions from the last 5 years. Note for 2024 this is only up to September

Year	Total appeals	Allowed	Dismissed	Withdrawn	% allowed
2020	27	6	21	0	22%
2021	44	16	28	0	36%
2022	48	19	26	3	40%
2023	43	14	28	1	33%
2024	35	20	14	1	57%



4.15. Performance of Delegated Decisions at Appeal

4.16. The table below shows the appeal results from delegated decisions from the last 5 years. Note for 2024 this is only up to September

Year	Delegated		
	Decisions	Allowed	% allowed
2020	25	4	16%
2021	39	12	31%
2022	43	16	37%
2023	34	10	29%
2024	24	12	50%
Total	196	54	33%

4.17. Performance of Committee Decisions at Appeal

4.18. The table below shows the appeal results from committee decisions from the last 5 years. Note for 2024 this is only up to September

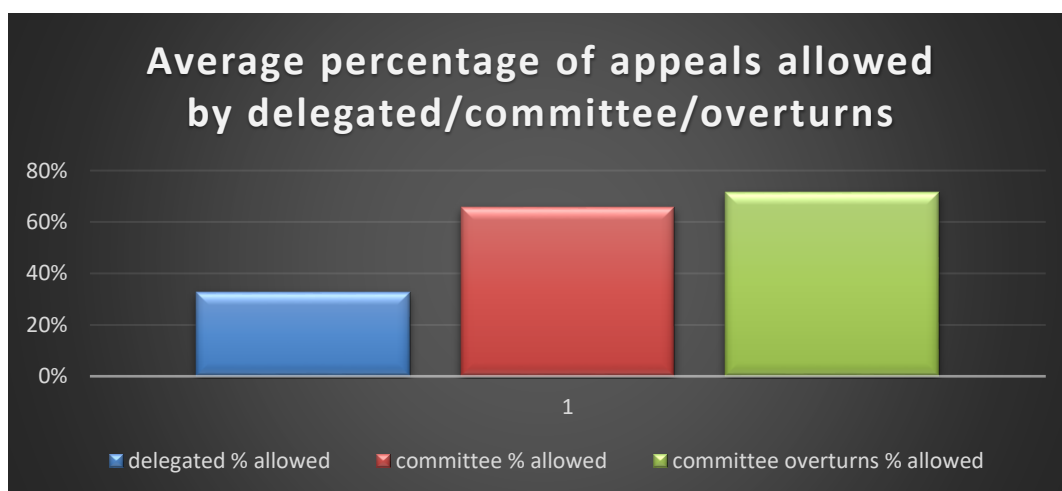
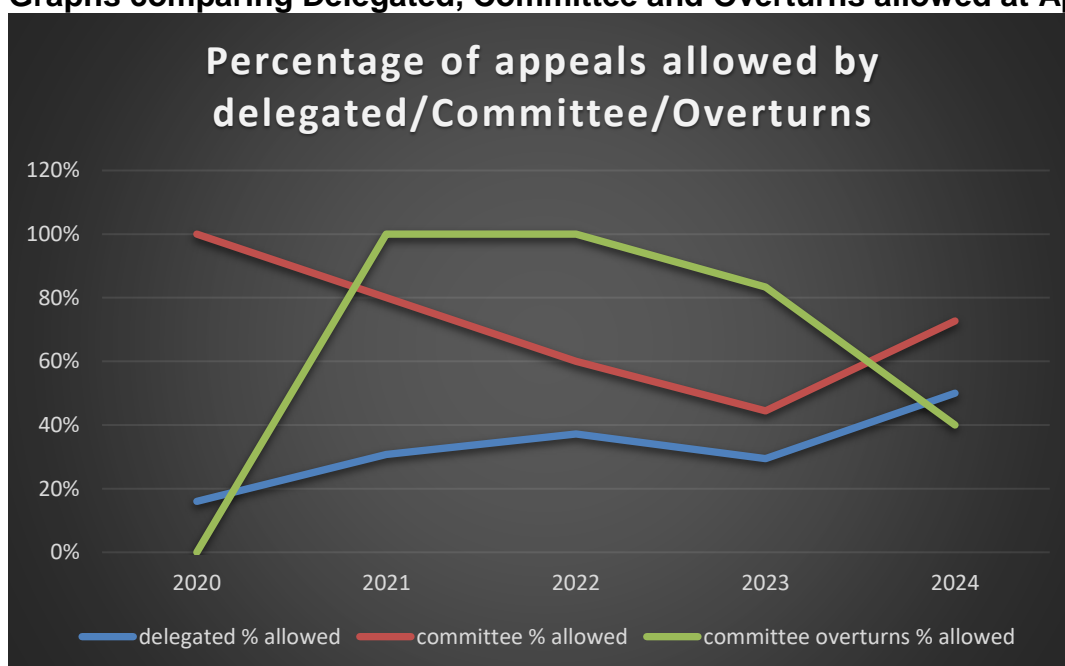
Year	Committee		
	Decisions	Allowed	% allowed
2020	2	2	100%
2021	5	4	80%
2022	5	3	60%
2023	9	4	44%
2024	11	8	73%
Total	32	21	66%

4.19. Performance of Committee Overturns at Appeal

4.20. The table below shows the appeal results from committee decisions that resulted from an overturn of an officer recommendation from the last 5 years. Note for 2024 this is only up to September

Year	Committee Overturns		
	Decisions	Allowed	% allowed
2020	0	0	0%
2021	1	1	100%
2022	2	2	100%
2023	6	5	83%
2024	5	2	40%
Total	14	10	71%

4.21. Graphs comparing Delegated, Committee and Overturns allowed at Appeal



4.22. Types of Appeal Method

4.23. Table showing appeal method over the last 5 years. Note the number of public inquiries so far this year is equal to the total number of inquiries in the previous 4 years combined

Year	Public inquiries	Hearings	Written Reps
2020	0	2	25
2021	2	3	39
2022	2	4	42
2023	2	8	33
2024	6	4	25

5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

6 Conclusion and Reasons for Recommendations

6.1 The report provides the current position on planning appeals for information for Members.

Decision Information

Key Decision	Not applicable
Subject to Call in	Not applicable
If not, why not subject to call in	Not applicable
Ward(s) Affected.	Appeal dependent

Document Information

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
Report Author	Sarah Gevaux, Appeals Administrator Paul Seckington, Development Manager
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